

40 Smith (W. R.)

# ASSASSINATION AND INSANITY:

## GUITEAU'S CASE

EXAMINED AND COMPARED WITH

## ANALOGOUS CASES

FROM THE

EARLIER TO THE PRESENT TIMES,

BY WILLIAM R. SMITH.



"ARE HIS WITS SAFE? IS HE NOT LIGHT OF BRAIN?"

WASHINGTON, D. C., 1881:

WILLIAM R. SMITH,

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# ASSASSINATION AND INSANITY: GUITEAU'S CASE

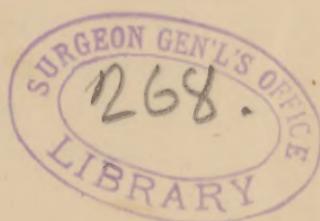
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## NOTE PRELIMINARY.

This Essay, originally published in the LAW-CENTRAL in numbers, is here presented in a connected form for the more convenient use of the reader.

The cases herein reviewed, have been selected chiefly on account of their celebrated historical character or their judicial significance in analogy with Guiteau's case.

This Essay was written more with a view to entertain the reader than to instruct the Bar—nevertheless, the questions of law herein discussed and referred to are stated with candid accuracy, and with the authorities noted:

The writer has not attempted to conceal the bias of his mind on the question of Guiteau's insanity; but he is by no means to be understood to have written these papers in any excepting the public interests.

WILLIAM R. SMITH.

Washington, D. C., November, 1881.



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## ASSASSINATION AND INSANITY.

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### GUITEAU'S CASE EXAMINED.

"Who is he? He must be crazy—why should he wish to shoot me?" This is the reported language of the President—uttered voluntarily, in somewhat an emotional manner, as he lay upon his bed, sore and languishing of the wound from the assassin's bullet: "*He must be crazy!*"

The speeches of great men are sometimes oracles; and this may be one. Doubtless this phrase escaped the president's lips as the result of reflection; the mind had evolved the whole question, and such was the conclusion of the ratiocination:—"He must be crazy." The manly fortitude to bear the affliction is here no more conspicuous than the christian resignation, and the heavenly inclination to palliate or to forgive.

If such be the conclusion of the President's mind, let no man be rash enough to condemn without examination. The question of Guiteau's insanity is a great one, and must of necessity be thoroughly investigated according to the most rigid rules of Medical Jurisprudence.\*

Once, when Queen Elizabeth was told that a plot had been formed to take away her life, she exclaimed with warm intrepidity: "I will not believe of my people, what a mother would not believe of her children." This exclamation, it seems to us, was more sagacious than sincere, for plots against royalty, and assassinations in high places, had not been uncommon in England; but the remark was well shaped, and was calculated to fasten to the Queen the love of her subjects.

In England, under the humane principle and golden rule of law, "that every man put upon his trial for a crime, no matter of what magnitude, is presumed to be innocent until the state removes this presumption by proof," the courts are especially

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\* The first number of this Essay was published before the death of the illustrious victim.

generous in affording with commendable judicial alacrity the amplest means of defense, even to prisoners who have assaulted the sovereign. For this, the courts will assign counsel, and eminent counsel in proportion to the magnitude of the crime, the interests involved and the principles to be settled in the case. Hence we see such illustrious advocates as Erskine defending, with all his gigantic power, the poor wretch who shot at King George III, as referred to below.

#### MURDEROUS ASSAULTS ON GEORGE III.

"On the 15th of May, 1800, James Hadfield fired a horse pistol, loaded with two slugs, at King George III, as his Majesty was entering his box at Drury Lane Theatre." Hadfield was tried for high treason, defended by Erskine, and acquitted on the ground of *insanity*.

We shall have occasion in this article to refer again to this speech of Erskine, which is said to have been in the very best style of English argumentative eloquence. Hadfield upon his acquittal was sent to Bedlam where he remained incarcerated until 1841, when he died a *forty year's prisoner*.

Mr. Erskine contended in his speech in this case that "a mere murderous assault on the King's person, not at all connected with his *political character*, seemed a case to be ranged, and dealt with, like a similar attack on a private person." This suggestion led to the enactment of two statutes on the subject, one of which provided "that if evidence be given of the prisoner's insanity at the time of the commission of the offense, and he be acquitted, the jury shall be required to find specially whether he was insane at the time of the commission of the offense, and to declare whether they acquit on account of such insanity—and if they do, the court shall order the prisoner to be confined in strict and safe custody during his Majesty's pleasure."

It is hardly necessary to say that Guiteau must be tried, in all respects, as if the assault had been committed on a private person; and this suggestion has been made chiefly to point to the palpable necessity of some legislation protective of the life and person of the President of the United States.

Of the several murderous assaults made upon King George III, *three* of the assailants were tried and acquitted on the ground of insanity, viz:—Nicholson, Hadfield and Curtis.

#### MURDEROUS ASSAULTS ON QUEEN VICTORIA.

In the decade of years, from 1840 to 1850, Queen Victoria was murderously assaulted *five times!* to wit: in June, 1840, by Edward Oxford, aged nineteen years; in May, 1842, by John Francis, aged twenty years; in July of the same year, by John W. Bean, aged seventeen years; in May, 1849, by William Hamilton, and in June, 1850, by Robert Pate; the latter having severely stricken the Queen with a heavy cane. Now, if

the amiable and gracious Queen of England, who was in the habit of going amongst her people without a body-guard, except the mere semblance of one in out-riders and postillions, thus trusting her safety to her subjects with the sweetest confidence, should be liable to such murderous assaults, it should not be a matter of great surprise, however horrible, that a President of the United States should be similarly exposed.

#### ASSAULTS ON OUR PRESIDENTS.

In our history we now remember only four assaults upon Presidents, to wit : Lieutenant Randolph's attack upon President Jackson; Lawrence's attempt to shoot the same President; the assassination of President Lincoln, and the recent assault upon our present illustrious Chief Magistrate. In reflecting upon these cases it should be remembered, not to the discredit of our people, that the bloody sacrifice of President Lincoln occurred about the close of a terrific war, when the eyes of men were familiar with the most sanguinary scenes.

#### GUITEAU'S INSANITY.

The question of Guiteau's insanity, is one of the greatest national importance. It involves to a certain extent the integrity of political parties, and the hitherto untarnished characters of the purest men. Happily, the ungenerous surmises that pervaded the public mind at the time of the occurrence, visiting this terrific crime upon others than the assassin, have subsided. But the question also involves the integrity of the people of this great country, for it is still believed in certain quarters that Guiteau had accomplices, one or more. Guiteau has steadily denied this, and it must be admitted that there is a yielding inclination in all generous minds to believe him.

#### FELTON AND GUITEAU.

Now, if this be mere stubbornness in the assassin, or if he acted with a selfish view, to reap the whole glory of his bloody achievement, we have a strong parallel in his case and the case of Felton, who assassinated the Duke of Buckingham in 1628. While in prison, he was approached by the Lord of Dorset, and threatened to be put to torture to induce him to confess and to name his accomplices. Felton answered : "My Lord, I do not believe that it is the King's pleasure, for he is a just and gracious prince, and will not have his subject tortured *against the law*. I do affirm upon my salvation that my purpose was not known to any man living; but if it be his majesty's pleasure, I am ready to suffer whatever his majesty will have inflicted upon me. *Yet, this I must tell you, by the way, that if I be put upon the rack, I will accuse you, my Lord of Dorset, and none but yourself.*"

There is a sagacity here that out-wits Caesar's Brutus, and a

lofty intrepidity that makes us wonder how plots of assassination and the noblest attributes of man's nature can inhabit the same breast at the same time. And in these two cases, how great the contrast. Felton was hailed as a Brutus : "bon-fires blazed in the country to announce the fall of Buckingham." In our case, universal sympathy for the President pervades the entire country, irrespective of party or the factions of parties, and unexampled unanimity of condemnation of the atrocious crime is displayed by the whole people, as energetically expressed in the unmistakable language of statesmen and the representatives of States.

But this question of Guiteau's insanity also involves the vaunted stability of our government in the estimation of the outside world. It is not supposable by our people that a sane man would seek to destroy a President, without adequate personal cause, and in the absence of a political conspiracy. The idea of a political conspiracy, encompassing the life of a great party leader for party purposes, *must not* be entertained in this country. The royal world abroad, whose peoples have their own assassins to contend with, must not be furnished reason to conclude, that, in America the assassin is moved by the same impulses which control the assassin under monarchical forms of government. This would be admitting that the President of the United States *might* become a tyrant, a fact, that the Constitution, in so carefully defining and limiting his power, explicitly excludes.

Again, this question of Guiteau's insanity involves the peace and agitation, the cheerfulness and gloom, the content and terror, the courage and timidity of the President ; if he be convinced that a sane man would seek his life—so peaceful and gentle a life as General Garfield's has been—in the open day, on the streets of the capital city, as the desperate agent of a political party or faction, he would no longer be at liberty to regard himself safe, or as permitted to walk the streets in open, friendly and confiding intercourse with his fellow-citizens, but rather as a target—a bulls-eye for some insidious revolver : and all really good men and wise statesmen would conclude, that, under such continuous terror, it would be better to plough with Cincinnatus than to die with Cæsar.

The question of insanity, as arising in criminal cases, is one of the most delicate that can command courts. The law and the rules governing are not satisfactorily settled. Judicial minds of equal learning and ability even now take different views of the same questions. Each particular case must be governed by its own surroundings—and the jury is sometimes more potent than the judge, as may be seen in many of the adjudged cases.

We propose, in this paper, not to avow our own personal convictions, for these cannot be reached in the absence of the sworn

testimony, but to present to the reader some well authenticated cases which bear a striking similarity to Guiteau's.

**GUITEAU'S CASE MAY BE BRIEFLY STATED THUS:**

**It will be made up of—**

- I. The act of shooting; the words used by him at the time, or when arrested;
- II. The preparation for escape, engaging a hack for a drive to the cemetery, near the jail, and what he said about this afterwards;
- III. His preparations for the assault, and herein of the pistol, &c., with his *voluntary* statements made afterwards, touching his intentions;

**IV. His letter to General Sherman;**

V. All written documents found upon him or traced to his possession, bearing on the question of the assault or developing his designs;

VI. His motive, if any, and herein of the question of accomplices, and his attitude as a party man; as an aspirant for place, and herein also of his hopes, expectations or disappointments, touching such aspirations;

VII. His recent previous visits to the White House, and letters or letters to the President, or to any of the Departments;

VIII. His mode of life, recently, previous to the assault;

IX. His life-long career, in *acts* and *facts* stated by competent and knowing witnesses, as touching the question of insanity;

X. His ancestry and family, touching the question of hereditary insanity; and herein also of his religion, the societies to which he belonged, the doctrines he preached or lectured upon, the sentiments expressed, with all his characteristics and habits, as showing or repelling the presence of delusions.

The public is already in possession of most of the items that may be embraced in the above statement of this case, and we will not encumber this article with a repetition of them, especially as some of the facts may be materially changed when they assume the shape of sworn testimony.

The following rather extraordinary "statement" of Guiteau's case, has found its way to the public, having been furnished, it is said, by the United States Attorney for the District of Columbia. It is of great significance; as it *may be* the *real case*, in all its hideous aspects. But if the jury should get legitimate possession of it, it will tend to establish the fact, that Guiteau *was insane*, not only at the time of the assault but through all these Hamletic manoeuvrings. Many of the facts contained in this statement of the United States District Attorney, however, could have been obtained *only from Guiteau himself*; and a material question is here presented: How are these facts to be brought before the jury?

But before we attempt that question let us examine carefully Col. Corkhill's statement, which is given below:

#### COL. CORKHILL'S STATEMENT OF GUITEAU'S CASE.

"Guiteau came to Washington city on Sunday evening, March 6, 1881, and stopped at the Elbitt House, remaining only one day. He then secured a room in another part of the city, and has boarded and roomed at various places, the full details of which I have. On Wednesday, May 18, 1881, the assassin determined to murder the President. He had neither money nor pistol at the time. About the last of May he went into O'Meara's store, corner Fifteenth and F streets, in this city, and examined some pistols, asking for the largest calibre. He was shown two similar in calibre and only different in the price. On Wednesday, June 8, he purchased the pistol which he used, for which he paid ten dollars, he having in the meantime borrowed fifteen dollars of a gentleman in this city on the plea that he wanted to pay his board bill. On the same evening, about seven o'clock, he took the pistol and went to the foot of Seventeenth street and practiced firing at a board, firing ten shots. He then returned to his boarding place and wiped the pistol dry and wrapped it in his coat and waited his opportunity.

"On Sunday morning, June 12, he was sitting in Lafayette Park, and saw the President leave for the Christian church, on Vermont avenue, and he at once returned to his room, obtained his pistol, put it in his hip pocket and followed the President to church. He entered the church, but found he could not kill him there without danger of killing some one else. He noticed that the President sat near a window. After church he made an examination of the window and found he could reach it without any trouble, and that from this point he could shoot the President through the head without killing any one else. The following Wednesday he went to the church, examined the location and the window and became satisfied he could accomplish his purpose, and he determined therefore to make the attempt at the church the following Sunday.

#### THE FIRST ATTEMPT AT THE DEPOT.

"He learned from the papers that the President would leave the city on Saturday, the 18th of June, with Mrs. Garfield, for Long Branch. He therefore determined to meet him at the depot. He left his boarding place about five o'clock Saturday morning, June 18, and went down to the river, at the foot of Seventeenth street, and fired five shots to practice his aim, and be certain his pistol was in good order. He then went to the depot and was in the ladies' waiting room of the depot with the pistol ready when the President's party entered. He says Mrs. Garfield looked so weak and frail that he had not the heart to shoot the President in her presence, and, as he knew he would

have another opportunity, he left the depot. He had previously engaged a carriage to take him to the jail. On Wednesday evening the President and his son, and I think United States Marshal Henry, went out for a ride. The assassin took his pistol and followed them, and watched them for some time in hopes the carriage would stop, but no opportunity was given. On Friday evening, July 1, he was sitting on the seat in the park opposite the White House, when he saw the President come out alone. He followed him down the avenue to Fifteenth street, and then kept on the opposite side of the street up Fifteenth until the President entered the residence of Secretary Blaine. He watched at the corner of Mr. Morton's late residence, corner of Fifteenth and H streets, for some time, and then, as he was afraid he would attract attention, he went into the alley in the rear of Mr. Morton's residence, examined his pistol and waited. The President and Secretary Blaine came out together and he followed them over to the gate of the White House, but could get no opportunity to use his weapon. On the morning of Saturday, July 2, he breakfasted at the Riggs House about seven o'clock. He then walked up into the park and sat there for an hour. He then took a one-horse avenue car and rode to Sixth street, got out and went into the depot and loitered around there, had his shoes blacked, engaged a hackman for two dollars to take him to the jail, went into the water closet and took his pistol out of his hip pocket and unwrapped the paper from around it, which he had put there for the purpose of preventing the perspiration from the body dampening the powder, examined the pistol carefully, tried the trigger, and then returned and took a seat in the ladies' waiting room, and as soon as the President entered advanced behind him and fired two shots. These facts, I think, can be relied upon as accurate, and I give them to the public to contradict certain false rumors in connection with the most atrocious of atrocious crimes."

We do not intend to enter elaborately on the question of confessions, but to state a few well recognized rulings.

"If a confession is improperly obtained, it is a ground for *excluding evidence* of the confession." *Rex. vs. Jenkins, R. & R. C. C. 492.*

Nobody blames Colonel Corkhill for feeling and expressing, as a citizen, the greatest abhorrence of this crime; and all generous minds must properly appreciate his deep anxiety, as a prosecuting officer, to probe this matter to the bottom, and to elicit the facts of the case. But many persons think, with no feelings of unkindness, that he has in his anxiety overstepped the proprieties of his official position, both in his manner of getting the facts and in giving them publicity. There is an appearance of precipitancy—an ostentatious parade of the whole matter, which is painful to most legal minds.

The court will take it for granted that Guiteau well knew in

all his conversations with Colonel Corkhill, that Col. Corkhill was the United States Attorney of the District of Columbia, and the person who was probably to conduct the prosecution against him. The peculiar *attitude* of the parties conversing, one of them being in authority, will at once bring up the question as to whether or not the confessions of Guiteau were *voluntary*. Whether made in hope or fear they are liable to be excluded. In this connection the court will take in all surrounding circumstances, and as a matter of fact, will be bound to learn during the investigation that on one occasion Colonel Corkhill proposed to Guiteau, in answer to a remark of Guiteau, as to wanting more elbow-room at the jail, "that he would bring his private carriage and give him an airing or a ride." If the court should find from the facts submitted, that the confessions or statements of Guiteau, as made to Colonel Corkhill, were either extorted or beguiled, not necessarily by threats or promises in so many words, but by the peculiar *attitude* of the parties, the evidence of the confessions ought to be excluded. Col. Corkhill would find his position extremely delicate, being the prosecuting officer of the Government, and at the same time a *witness* for the prosecution, as to facts elicited in these conversations; unless indeed it should appear that the United States Attorney had a third party present to hear the conversations and confessions.

Without further comment on this branch of the case, and taking it for granted that Colonel Corkhill's statement presents the *real case* as far as it goes, if the same should be legally made at the trial; let us pause a moment, by way of digression, pardonable we hope by the curious and indulgent reader, and contemplate

#### GUITEAU IN THE ROLE OF HAMLET.

"Mysterious" indeed "are the ways of Providence;" but little less mysterious are the ways of men; whether in fiction or reality, it is all the same, for "life is made up of dreams."\*

If Hamlet was mad, "there was method in his madness;" so said old Polonius, and no man was better able to give the phrase an epigrammatic shape. Full of his intention to kill the king, the royal Dane goes about continuously brooding over the ponderous idea of murder. He sees the usurper under various circumstances, in various situations, meanwhile the one idea of murder ever uppermost in his mind; with resolution most irresolute, he pauses and cogitates :

"Now whether it be  
Beastly oblivion, or some craven scruple  
Of thinking too precisely on the event,  
I do not know—  
Why yet I live to say 'this thing's to do.' "

---

\* One of the President's emotional utterances on his sick bed.

And so musing and muttering, he stumbles on the king while the latter was kneeling at prayer, and thus characteristically quibbles himself into a sickly sentimentalist :

“Now I might do it pat; now he is praying,  
And now I’ll do’t. And so he goes to heaven;  
And so am I revenged. That would be scann’d:  
A villain kills my father, and for that,  
I ‘his sole son, do this same villian send  
To heaven ! \* \* \* \* no—  
Up sword; and know thou a more horrid hent.”

So we have Guiteau following the President from place to place; first to the Christian *Church*, which he entered, and then found that he could not kill the President there without danger of killing “some one else.” On June 18, he went to the depot and waited, with pistol ready, for the President’s traveling party. The party enters the very presence of our Hamlet. Here he again falters, for the reason that “*Mrs. Garfield looked so weak and frail that he had not the heart to shoot the President in her presence.*” This is amiable villainy, and heightens our amazement at the final consummation.

It seems from the case as made by Colonel Corkhill, that Guiteau was *five* times in the pursuit and presence of his victim, with murderous intent, including the assault on the fatal 2nd of July.

The case below, Oxford’s, is in very many important features almost identical with Guiteau’s, and hence it will be examined with more than ordinary curiosity.

This case is reported in 1st. *Townshend’s Modern State trials.* page 113.

The judges who presided at the trial were—Lord Denman, Baron Alderson, and Justice Maule. The counsel for the crown were—the Attorney and Solicitor Generals, (Sir John Campbell and Sir Thomas Wilde,) Sir Frederick Pollock, the present Mr. Justice Wightman, Mr. Adolphus, and Mr. Gurney; those for the prisoner were the late Mr. Sydney Taylor and Mr. Bodkin.

#### THE CROWN’S CASE AGAINST OXFORD, 1840.

“The prisoner was seized instantly after having discharged two pistols, as the Queen and the Prince-consort were driving up Constitution Hill, in a low open carriage. He had been observed, for some time before the approach of the royal carriage, walking backwards and forwards with his arms folded under his breast. As the carriage approached, he turned round, nodded, drew a pistol from his breast, and discharged it at the carriage, when it was nearly opposite to him. As it advanced, after looking round to see if he were observed, he took out a second pistol, directed it across the other to her Majesty, who, seeing it, stooped down; and he fired a second time—very de-

liberately—at only about six or seven yards' distance. The witnesses spoke of hearing distinctly a sharp whizzing sound "close past their own ears." The prisoner, on seeing the person who had snatched from him the pistols mistaken for the person who had fired, said, "It was me—I did it. I give myself up—I will go quietly." At the police-office he said, "Is the Queen hurt?" Some one observed, "I wonder whether there was any ball in the pistol?" on which the prisoner said, "If the ball had come in contact with your head, if it were between the carriage, you would have known it." The witness who spoke to these words appears, however, to have somewhat hesitated when pressed in cross-examination; but he finally adhered to his statement that the prisoner declared there were balls in the pistols. A few days previously he had purchased the pistols for two sovereigns, about fifty percussion caps, a powder flask, which, with a bullet mould and five bullets fitting the pistols, were found at his lodgings. He had also been practicing firing at a target, and, on purchasing the pistols, particularly asked how far they could carry. The Earl of Uxbridge deposed that, when he saw Oxford in his cell, he asked, "Is the Queen hurt?" on which Lord Uxbridge said, "How dare you ask such a question?" Oxford then stated that "he had been shooting a great deal lately—he was a very good shot with a pistol, but a better shot with a rifle." "You have now fulfilled your engagement," said the Earl. "No," replied Oxford, "I have not." "You have, sir," rejoined Lord Uxbridge, "as far as the attempt goes." To that he was silent. The most rigid search was made to discover any bullets; but in vain. Two witnesses, gentlemen of rank, and well acquainted with the use of firearms, spoke confidently to having seen bullet-marks on the wall, in the direction in which Oxford had fired; but the Attorney-general expressed his opinion that the evidence was entitled to no weight, as probably mistaken; declaring himself, however, positive that there must have been balls in the pistols, but that the pistols had been elevated so high that the balls went over the garden-wall. One of the witnesses said to the other, immediately after seizing Oxford, "Look out—I dare say he has some friends;" to which he replied, "You are right—I have." At his lodgings were found some curious papers, in Oxford's handwriting, purporting to be the rules of a secret club or society called Young England; the first of which was, "that every member shall be provided with a brace of pistols, a sword, a rifle, and a dagger—the two latter to be kept at the committee-room." A list of members-*factitives* [sic] names were given. "Marks of distinction: Council, a large white cockade; President, a black bow; General, three red bows; Captain, *two red bows*; Lieutenant, one red bow." There were also found in Oxford's trunk a sword and scabbard, and a black crape cap with *two red bows*—one of the "rules" requiring every member to be armed with a brace of

loaded pistols, and to be provided with a black crape cap to cover his face, with his marks of distinction outside. Three letters were also found in his pocket-book, addressed to himself at three different residences, purporting to be signed by "A. W. Smith, *secretary*," and to contain statements of what had taken place, or was to take place, at the secret meetings of the society. They were all headed "Young England," and dated respectively "16th May, 1839," 14th November, 1839," and "3d April, 1840." Oxford said he had intended to destroy these papers in the morning, before he went out, but had forgotten it. All these papers—the "rules" and letters—were sworn by Oxford's mother to be *in his own handwriting*."

Such is the Crown's case against Oxford; to which may be added the following statement made and signed by him when examined before the Privy Council :

"A great many witnesses against me. Some say I shot with my left, others with my right. They vary as to the distance. After I had fired the first pistol, Prince Albert got up, as if he would jump out of the coach, and sat down again, as if he thought better of it. Then I fired the second pistol. This is all I shall say at present."

(Signed)

"EDWARD OXFORD."

#### OXFORD'S DEFENSE.

"Amongst other things, in the defense of the prisoner, Mr. Taylor undertook to prove the insanity of Oxford's grandfather, his father, and himself. The proof broke down as far as concerned the grandfather, a sailor in the navy; for it was clear that his alleged violent eccentricities had been exhibited when he was under the influence of liquor. The insanity of Oxford's father was sought to be established by his widow, the mother of the prisoner.

"He forced her to marry him, she said, by furious threats of self-destruction if she did not: he burnt a great roll of bank-notes to ashes in her presence, because she had refused, or hesitated, to become his wife. He used to terrify her, during her pregnancies, by hideous grimaces, and apish tricks and gesticulations: the results being that her second child was born, and within three years' time died, an idiot. Her husband pursued the same course during her pregnancy with the prisoner, and presented a gun at her head. The prisoner had always been a headstrong, wayward, mischievous, eccentric youth—subject to fits of involuntary laughing and crying. He was absurdly vain, boastful, and ambitious; and wished his mother to send him to sea, where he would have nothing to do but walk about the deck, give orders, and by-and-by become Admiral Sir Edward Oxford!"

"The prisoner's whole life had been traced—in evidence—while he was at school, and in three distinct services; and he

had never been confined, or in any way treated as mad. His sister spoke to his going out on the day of the outrage, and detailed a conversation evincing no symptoms of wandering. He used to have books from the library—"The Black Pirate," "Oliver Twist," and "Jack Sheppard." On leaving home that day, about three o'clock in the afternoon, he told his sister that he was going to the Shooting Gallery to buy some linen for her to make him some shirts, and to bring home some tea from a particular shop in the Strand. A nursery-maid, to whom he had written a ludicrously-addressed letter a few weeks before, said, "I considered him in a sound state of mind, but sometimes very eccentric."

#### EXAMINATION OF THE DOCTORS, AS EXPERTS.

If the reader will recall the facts of Guiteau's conduct at the shooting of the President, including the words afterwards used, his curiosity may be somewhat intensified at discovering how perfectly the *first* question to the *first* doctor covers Guiteau's case; and he may, also, be somewhat startled at the doctor's response.

FIRST DOCTOR.—*Question* by the prisoner's counsel and the Court—"Supposing a person, in the middle of the day, without any suggestive motive, to fire a loaded pistol at her Majesty, passing along the road in her carriage; to remain on the spot; to declare he was the person who did it; to take pains to have that known; and afterwards to enter freely into discussion, and answer any questions put to him on the subject, would you, from those facts alone, judge a person to be insane?"

*Answer.*—"I should."

THE COURT—"You mean to say, upon your oath, that if you heard these facts stated, you should conclude that the person was mad?"

THE DOCTOR.—"I do."

THE COURT.—"Without making any other inquiry?"

THE DOCTOR.—"Yes! . . . If, as a physician, I was employed to ascertain whether a person in whom I found these facts was sane or insane, I should undoubtedly give my opinion that he was insane."

THE COURT.—"As a physician, you think every crime, plainly committed, to be committed by a madman?"

THE DOCTOR.—"Nothing of the kind; but a crime committed under all the circumstances of the hypothesis!"

SECOND DOCTOR.—He is asked the same question which had been proposed to the first Doctor, with the addition of "hereditary insanity being in the family" of the person concerned.

*Answer.*—"I should consider these circumstances of strong suspicion; but other facts should be sought before one could be warranted in giving a positive opinion."

*Question* by the Prisoner's Counsel.—"Are there instances on

record of persons becoming suddenly insane, whose conduct has been previously only eccentric?"

*Answer.*—"Certainly. Supposing, in addition, that there was previous delusion, my opinion would be that he is unsound. Such a form of insanity exists, and is recognized."

*Question by the Counsel for the Crown.*—"What form of insanity do you call it?"

*Answer.*—"Lesion of the will—insanity connected with the development of the will. It means more than a loss of control over the conduct—morbid propensity. Moral irregularity is the result of that disease. Committing a crime without any *apparent motive* is an indication of insanity!"

*Question by the Court.*—"Do you conceive that this is really a *medical* question at all, which has been put to you?"

*Answer.*—"I do; I think medical men have more means of forming an opinion on that subject than other persons."

*Question.*—"Why could not *any* person form an opinion from the circumstances which have been referred to, whether a person was sane or insane?"

*Answer.*—"Because it seems to require a careful comparison of particular cases, more likely to be looked to by medical men, who are especially experienced in cases of unsoundness of mind,"

THIRD DOCTOR.—"I have eight hundred and fifty patients under my care in a lunatic asylum. I have seen and conversed with the prisoner. In my opinion he is of unsound mind. I never saw him in private more than once, and that for perhaps half-an-hour, the day before yesterday; and I have been in court the whole of yesterday and this morning. These are the notes of my interview with him:—A deficient understanding: shape of the anterior part of the head, that which is generally seen when there has been some disease of the brain in early life. An occasional appearance of acuteness, but a total inability to reason. Singular insensibility as regards the affections. Apparent incapacity to comprehend moral obligations—to distinguish right from wrong. Absolute insensibility to the heinousness of his offence, and the peril of his situation. Total indifference to the issue of the trial; acquittal will give him no particular pleasure, and he seems unable to comprehend the alternative of his condemnation and execution: his offence, like that of other imbeciles who set fire to buildings, &c., without motive, except a vague pleasure in mischief. Appears unable to conceive anything of future responsibility."

*Question by the Court.*—"Did you try to ascertain whether he was acting a part with you, or not?"

*Answer.*—"I tried to ascertain it as well as I possibly could. My judgment is formed on all the circumstances together."

FOURTH DOCTOR.—To the same general question put to first and second doctors—

*Answer.*—“An exceedingly strong indication of unsoundness of mind. A propensity to commit acts without an apparent or adequate motive, under such circumstances, is recognized as a particular species of insanity, called *lesion* of the will: it has been called moral insanity.”

*Question.*—“From the conversation you have had with the prisoner, and your opportunity of observing him, what do you think of his state of mind?”

*Answer.*—“Essentially unsound: there seems a mixture of insanity with imbecility. Laughing and crying are proofs of imbecility—assisting me to form my opinion. . . . When I saw him, I could not persuade him that there had been balls in the pistols—he insisted that there were none. He was indifferent about his mother when her name was mentioned. His manner was very peculiar: entirely without acute feeling or acute consciousness—lively, brisk, smart—perfectly natural—not as if he were acting, or making the least pretence. The interview lasted about three-quarters of an hour.”

LAST DOCTOR.—“A practicing surgeon for between three or four years. Had attended the prisoner’s family.”

*Question.*—“What is your opinion as to his state of mind?”

*Answer.*—“Decidedly that of imbecility—more imbecility than anything; he is decidedly, in my judgment, of unsound mind. His mother has often told me there was something exceedingly peculiar about him, and asked me what I thought. The chief thing that struck me was his involuntary laughing: he did not seem to have that sufficient control over the emotions which we find in sane individuals. In Newgate, he had great insensibility to all impressions sought to be made on him. His mother once rebuked him for some want of civility to me; on which he jumped up in a fury, at the moment alarming me, and saying, ‘he would stick her.’ I think that was his expression.”

Questioned by the Counsel for the Crown.—“I never prescribed for the prisoner, nor recommended any course of treatment, conduct, or diet whatever. I never gave, nor was asked for any advice. I concluded the disease was mental—one of these weak minds which, under little excitement, might become overthrown.”

The reader will observe that the testimony of these five doctors seemed to be all on the prisoner’s side. They were alike incorrigible, irrepressible, dogmatical and subduing. They throttled the Crown lawyers, bewildered the judges and swept the jury along with them.

We make few special comments now on this testimony of the doctors. In that given by them in this case, there is a tone of positiveness and professional arrogance which we do not admire. Neither have we any special respect for the testimony of experts generally on any subject. In fact expert testimony is

falling nearly into contempt, both with judges and juries, mainly owing to the confidence and self-assured wisdom which some of these wise-acres put on when they take the witness-stand. That judges and juries should look somewhat squintingly at their extravagant assertions, is indicative of a happy tendency in our courts towards reform in the matter of expert testimony; nevertheless there are questions, mysterious to the unlearned mind, upon which the opinions of really learned physicians are absolutely necessary to the proper knowledge and understanding of the case, and without which darkness unutterable would prevail. And this question of *insanity* is one upon which the courts are bound to have the aid of learned and practical physicians.

Guiteau has been photographed; he will probably have to be phrenologized. Oxford's head, as has been seen above, and its peculiar formation, entered materially into his defense. Let the phrenological experts whet up their implements.

Sir Thomas Wylde, who replied for the Crown, made some striking remarks, but he could not dislodge the doctors. Said he:

"What would be the condition of society—exposed as we are to such attacks, and the infliction of death by such means—if, with the evidence of previous preparation of the means; the use of balls and pistols; inquiries as to the effect of their discharge, and whether the party was hurt, coupled with admission, incidental and direct, of the fact that balls were in the pistols: what would be the state of society, if evidence like this left an assassin the chance of escape merely because the balls could not be found?"

"If eccentric acts were proof of insanity, many persons who were wrenching knockers off doors, knocking down watchmen, and committing similar freaks, *were laying up a large stock of excuses for the commission of crimes!*"

"The trick of laughing suddenly without cause, was so common, that if this were token of imbecility the lunatic asylum would overflow with gigglers!"

"The prisoner had all along displayed a morbid desire to be talked about; and the letters and documents produced had been written with that feeling and object. A criminal should not be permitted to write out for himself a certificate of lunacy!"

"Was his making no attempt to escape, a proof of an unsound mind? If he *had* made such an attempt, it would have been a great proof of madness! He was surrounded on all sides by the multitude. He took such a reasonable view of his situation, as to see that he had no chance of escape, and gave himself up quietly!"

"The prisoner had been allowed the unrestrained use of fire-arms and powder, and was well acquainted with their fatal effects on human life. Would his mother have *trusted a madman*

*with them?* and left her mad son in the same house with her daughter?"

"The medical men went to Newgate *pre-disposed and pre-determined to see a madman.*"

"Suppose the prisoner unfeeling, violent, indifferent to his own fate, and preferring notoriety to any other consideration: what evidence did that supply of his being in a state of moral irresponsibility!—that moral irresponsibility which secured the very existence of society."

#### THE JUDGE'S CHARGE.

The testimony being closed, Lord Denman, amongst other things, said to the jury:

"If you think the prisoner was, *at the time*, laboring under any delusion which prevented him from judging of the effects of the act he had committed, you cannot find him guilty. He might, perhaps, have been laboring under a delusion affecting *every* part of his conduct, and not directed to one object alone: if that were so at the time of his firing, he could not be held accountable for it. But if, though laboring under a delusion, he fired the loaded pistols at the Queen, knowing the possible result—though forced to the act by his morbid love of notoriety, he is responsible, and liable to punishment."

"There may be cases of insanity, in which medical evidence as to *physical* symptoms is of the utmost consequence. But as to *moral insanity*, I, for my own part, cannot admit that medical men have at all more means of forming an opinion, in such a case, than are possessed by gentlemen accustomed to the affairs of life, and bringing to the subject a wide experience."

"The mere fact of the prisoner's going into the park, and raising his hand against the Queen, is not to be taken as a proof of insanity—particularly if we suppose that he is naturally reckless of consequences. It is a mark, doubtless, of a mind devoid of right judgment and of right feeling; but it would be a most dangerous maxim, that the mere enormity of a crime should secure the prisoner's acquittal, by being taken to establish his *insanity*. Acts of wanton and dangerous mischief are often committed by persons who *suppose* that they have an adequate motive; but they are sometimes done by those who have *no* adequate motive, and on whom they can confer no advantage. A man may be charged with slaying his father, his child, or his innocent wife, to whom he is bound to afford protection and kindness; and it is most extravagant to say that this man cannot be found guilty, because of the enormity of his crime!"

This charge though given by a great judge is very unsatisfactory, and by no means a sound exposition of the law. It is just such a charge as authorizes juries to bring in surprising

verdicts. The whole charge taken together was intended to convict the prisoner; but the jury would not see it in that light. They were out but a short time and brought in a verdict of "Guilty, he being at the time insane."

*Lord Denman.*—"Do you acquit the prisoner, on the ground of insanity?"

*Foreman of the Jury.*—"Yes, my Lord; that is our intention."

*Lord Denman.*—"Then the verdict will stand thus: 'Not Guilty, on the ground of insanity.' The prisoner will be confined in strict custody, as a matter of course."

So ended this remarkable case.

There is one feature *alone* in the testimony in this case which convinces our mind that Oxford was properly acquitted. It involves a mysterious physiological question. It is the statement made by Oxford's mother, of the conduct of his father during her pregnancies.

We do not see, in the meagre report of the learned advocate's speech in Oxford's defense, any special reference to this circumstance, but it is a circumstance that a common-sense juror could not ignore in making up his judgment.

That a child *in utero* may be made a monster by outside occurrences is an admitted fact. That the mother of Oxford was a woman of such peculiar nervous temperament as to be affected thus, during pregnancy, by outside occurrences, is evident from the fact, that "her second child died in three years time, an idiot"—the result of the father's "terrifying her during pregnancy with hideous grimaces and apish tricks and gesticulations." Who shall assume to himself the wisdom to say, what effect the "*pointing of the gun by the father at the mother's head* during her *pregnancy with the prisoner*," had on the mind and temper of the embryo child! this child, nineteen years afterwards, as in the case proved, *presenting and firing a pistol at the Queen*! Thus assuming towards the Queen the almost identical attitude the father had occupied towards the mother?

When Lord Denman said, in the closing sentence of the first paragraph of the foregoing charge to the jury—"But if, though laboring under a delusion, he fired the loaded pistol at the Queen, *knowing* the probable result, though *forced to the act by his morbid love of notoriety*, he is responsible and liable to be punished," his lordship made a mistake in applying the wrong test, and violated a well recognized rule of evidence, *to wit*: "In cases in which the defense is *insane impulse or insane delusion, the right and wrong* test cannot be properly made." 1. Whart. Cr. L. 30.

The true rule is this:—The *capacity* to distinguish between "*right and wrong*" should be considered in connection with the *power of the will to choose the right from the wrong*.

But judges and juries are not apt to agree on the law of insanity as so charged. It is not easy to convince an enlightened jury that a man, because he is very crazy, does not therefore *know the difference between right and wrong*. The most confirmed and helpless—the most incurable inmates of our asylums, hide and deny the wrongs they do. To bite and kick suddenly, and then instantly to look demurely and *solemnly innocent*, is a characteristic of insanity—the common sport of the bedlamites; in fact, cunning, deceit, equivocation and lying, are the ruling traits of the insane.

These, it is true, may exist in the same person at the same time with their opposite traits of openness, boldness, candor and truth, each bearing sway for a moment in its turn; but there can be no stability of purpose without a well poised intellect. Stubbornness of will may prevail for a time with an insane person, but it is apt to be transient, and may be suddenly changed to wavering imbecility. It is the absence of the power to control oneself, the inability to resist an emotion and to fight against temptations; it is the *lightness* of the disjointed mind—as a feather in a storm is at the mercy of the gales—this it is that constitutes the legitimate defense of insanity; and whoever has passed from an ague into the inevitable fever, and felt his head growing into the dimensions of a balloon, will know from his own experience what is meant by the *lightness* of the disjointed mind.

In Hadfield's case—"He was under a delusion that it was his duty to offer himself as a sacrifice for his fellow-citizens, and that his shortest way of so doing was to kill the King, which *he knew to be morally wrong*. Lord Kenyon, on these facts being made out, advised a withdrawal of the prosecution." 1 whart. Cr. L. 23. [See also Billman's case, 1 whart. Cr. L. 30.]

Billman's case will also throw light upon another of Lord Denman's observations as uttered in this charge, *to wit*: "A man may be charged with slaying his father, his child or his innocent wife, to whom he is bound to afford protection and kindness—and it would be most extravagant to say that this man cannot be found guilty because of the enormity of the crime." Such language is calculated to mislead a jury. Although the enormity of the crime is not sufficient of itself to establish irresponsibility, nevertheless it is a circumstance to be weighed by the jury, especially as connected with the question of motive; for the committing of a crime without any *apparent* motive, is an *indication* of insanity. In Billman's case [above referred to] will it be contended that the *enormity* of the crime, killing his father, should not have entered materially into the considerations of the jury. So in the case of the deluded father, Greensmith, [1873 B and H. lead. Cr. C.] who killed his four children, his mind at the time being oppressed with the *gloomy apprehension that his children would be turned out upon the streets as beggars!* He

first killed two of them; then went out upon the streets, and concluded upon reflection that he had as well be hung for killing all of them as for killing two, he returned and killed the other two! In such a case, the enormity of the crime alone should bring any jury to a pause: the enormity of the crime considered with the utter inadequacy of the motive, could leave no reasonable doubt of the absolute presence of insanity in the prisoner at the time.

The writer remembers the case of a negro, in 1828, in Pickens county, Alabama, who killed his three children, alleging as a reason that slavery was too heavy to bear; that he wished to save them from the impending curse. If this was the Romanism of a Virginius, it existed in one who had never heard the name. This was insanity, and such as should have established irresponsibility. This man was convicted and executed. If the test of insanity was made at the trial, it must have been most feebly done.

The books are full of cases which show the existence, at the occurrence, of the capacity to distinguish between *right and wrong*, coupled with the *incapacity to choose* the right from the wrong—the establishment of this latter with some prevailing *delusion* authorizing an acquittal.

Lord Denman made another mistake in this charge—a deliberate invasion of the province of the jury—by attempting to disparage the testimony of the experts on a material question in the case. “I, for my own part,” said his lordship, “cannot admit that medical men have at all more means of forming an opinion in such a case, (a case of moral insanity,) than are possessed by gentlemen accustomed to the affairs of life, and bringing to the subject a wide experience.” Now, does not moral insanity often develope by reason of physical disorganization? Is there a more delicate question in the whole range of medical jurisprudence, or one demanding more scientific skill, than the power to detect the existence of moral insanity? As mind is composed of both brain and body, so insanity comes of some defect or deficiency in one or both.

#### THE MOONSHINE CONSPIRACY.

At first it was vehemently asserted that Oxford had accomplices; \* that he was the tool of a conspiracy. The papers found

\*If the Government should be able to show that Guiteau had accomplices, it would have considerable weight against his plea of insanity. A very eminent writer on Medical Jurisprudence, Mr. Taylor, says:—“The homicidal monomaniac *has no accomplices*,” (p. 792.) Again, “it is a fact, so far in favor of *homicidal insanity*, that the *insane never* have accomplices in the acts which they perpetrate.” If this be true, even as a generality, (and the facts of this case repel the supposition that he had an accomplice,) Guiteau’s defence will open, to say the least of it, gracefully; and up to this time there is no trace of an accomplice, and all the facts made public so far seem to show the contrary.

in his possession showing something like a League of "Young England," was the source of infinite conjecture, and gave ground for the supposition of the existence of a formidable association for evil purposes. But nothing could be made of it. All the papers were in the handwriting of Oxford—even such of them as were signed by the secretary. This phase of the case was treated by Oxford's counsel as "all moonshine," and so it turned out to be. It was, in fact, one of the strongest features in the case tending to show insanity.

#### OXFORD IN BEDLAM.

Upon his acquittal by the jury, Oxford was sent to Bedlam, where he may possibly yet be. He was there in 1850—ten years after his trial, and was the object of much curiosity. He had been closely watched there, with a view of detection; and public opinion, at the end of the ten years, remained divided upon the question of his insanity.

A correspondent of Blackwood thus details an interview with Oxford, in 1850 :

"Oxford was in another part of the building, standing alone, at the extremity of a long corridor, gazing through a heavily-grated window, towards the new House of Parliament. He is fond of attracting the notice of anybody; and conversed about himself and his offense in the most calm and rational manner conceivable. He has lost much of his hair—a circumstance which he appeared somewhat to regret—for the front of his head is bald; but he looks no older than his real age, thirty. He is mortally weary of his confinement, and says he has been terribly punished for "his foolish act." "Foolish!" we exclaimed—"is that all you can say of your attempt to shoot her Majesty?" He sniled, and said, "Oh, sir, I never attempted to shoot her; I never thought of such a thing. I aimed at the carriage-panels only." "Then why did you put balls in your pistols?" "I never did," he replied quickly. "I never dreamed of such a thing. There were no balls." "Oh, then you have not heard of the discovery that has just been made—eh?" "Discovery—what?" "The bullets." "Oh, there have been more found than ever I used at least; for I assure you I never used any!" "What made you do what you did?" "Oh, I was a fool; it was just to get myself talked about, and kick up a dust. *A good horse-whipping is what I wanted.*" he added, with a faint sigh. These were his very words. "Should you have done it, if you had thought of coming *here*?" "No, indeed I should not; it has been a severe punishment!"

"He has taught himself French, Italian and German, of which he has a fair knowledge. He also used to draw a little, and began to write a novel; but it proved a sorry affair, and, being discouraged, he threw it up.

"I never expected to be condemned for high treason .Some gentleman—I forgot who he was—said I should be transported for fourteen years. I thought that was the worst they could do to me; for I knew I had never meant to do any harm, nor tried to do it." "Yes; but the judge and jury thought very differently." "Oh, I was very fairly tried; but I never expected to be brought in *mad*. I was quite surprised at *that*, for I knew I was not mad, and I wondered how they were going to prove it."

"He admits that he committed a very great offense in having done anything to alarm the Queen, and attributes it entirely to a mischievous and foolish love of notoriety. He said, "I thought it would set everybody to talking and wondering; but never dreamed of what would have come of it—least of all that I was to be shut up all my life in *this* place." "That list of conspirators, and letters from them, that were found in your lodgings—were they not real?" "Oh, no," he replied, with rather an anxious smile, "all mere sham—only nonsense! There was never anything of the sort!" "Then, why did you do it?" "It was only the folly of a boy; I wasn't nineteen then—it was very silly no doubt." "And their swords and dresses, and so forth—eh?" "Entirely nonsense! It was a very absurd joke. I did not think it would come out so serious. I did not *appreciate* the consequences, or I never would have done it!"

In the case of Lawrence, who attempted to shoot General Jackson in 1836, will be found some features not unlike some in Guiteau's case. He, too, was seen loitering about the President's house before the attack; and he expressed also the opinion that if he could get *rid of Jackson his successor would do him justice*. We give the report of Lawrence's case in full, as we found it in Niles' Register, 1836, p. 119 vol. 48.

TRIAL OF RICHARD LAWRENCE,  
FOR AN ATTEMPT TO ASSASSINATE THE PRESIDENT OF THE  
UNITED STATES, ANDREW JACKSON, 1836.

Present—Hon. Judges Cranch, Morsell and Thurston.  
Counsel—On behalf of the United States, Francis S. Key.  
For the prisoner, William L. Brent and James F. Brent.

The court opened soon after 9 o'clock, a. m., and the prisoner, Richard Lawrence, was brought into court, in the custody of the deputy marshal, Mr. Woodward. Lawrence was dressed in a gray coat; it appeared to us to be of the description of what they call a shooting coat; black cravat and vest; and brown pantaloons. His appearance was that of a man perfectly at his ease, and collected; but there is an appearance about his eyes, certainly indicative of mania; and an evident assumption of kingly dignity in his demeanor and the expression of his countenance. He took his seat, however, very quietly by the side of his counsel, and conversed smilingly, with them.

The witnesses have been called into court.

Mr. Key rose to address some observations to the bench; when Lawrence started up from his chair, under evident excitement of mind, and said he wished to know whether it was correct to bring him there, or not? He claimed the crown of Great Britain, he said, and also that of the United States; and he wished to know if they could bring him there?

Judge Cranch desired him to take his seat; and let his counsel manage his case for him.

Lawrence complied; but still apparently continued the subject, in conversation with his counsel.

Mr. W. L. Brent inquired of the court, whether, as this was simply the case of a misdemeanor, the presence of the prisoner, considering his state of mind, might not be dispensed with.

Lawrence again rose, and addressed the court. He wished to know, if, having, as he had, the sword—

He was again stopped; and

Mr. Brent stated his belief, that it would be impossible for the trial to proceed, if the prisoner remained in court. The course which it must take, the defence which it was intended to set up, could not fail still further to excite him. He would, indeed, rather he should remain if it were possible.

The court thought it necessary that the prisoner should remain.

Mr. Brent said he had done all he could to quiet the prisoner's feelings; but had not been able to present any course of which he would make choice.

Judge Morsell said, it was always customary for the prisoner to be in court, in cases like the present. To permit him to depart would be altogether a novel proceeding; he should like the trial to proceed in the ordinary way.

The panel was then called; on which

Lawrence observed, that they had called the jury, that, he wished to know if this was correct; he certainly was king.

Judge Cranch—You must sit down and be quiet, Mr. Lawrence, until called on to answer.

The prisoner sat down; but not until he had reiterated the assertion, that he was king of Great Britain, and likewise of this country; and that he was protected by the law in his claim.

The following jury was then sworn; many of the whole panel having been challenged on various grounds: chiefly of having formed and expressed opinions upon the case—

Mr. H. L. Cross,

William Orme,

John B. Ferguson,

William Eaton,

Benjamin Sewall,

Paul Stevens.

Mr. Charles Butler,

John Mount,

Samuel Wilson,

Edward A. Roche,

Noble Herttell,

Jeremiah Orme.

### FRANCIS F. KEY'S SPEECH:

The witnesses present for the prosecution having been sworn—

Mr. F. S. Key rose and opened the case, somewhat to the following effect: The prisoner before the jury was charged with an offence which was, at least in this part of the world, of very rare occurrence; which rendered it the more necessary that he should give a statement as to the nature of the evidence which he should produce; and, further, because many rumors wide of truth, as usually happened in such cases, had gone abroad. The prisoner was charged with an assault, with intent to kill and murder; and the object of that assault was the chief magistrate of the country. There were two counts in the indictment. One charging the assault, with intent to kill, &c., the other stating more particularly the manner, instruments, &c. It was an offence, which was, by our laws, a mere misdemeanor, and punishable by fine and imprisonment. The station, or office, of the object of this crime, was to be left entirely out of the question; and it was to be considered in the same light as though committed on the most humble individual in the country. The framers of our constitution had not thought it necessary to surround the chief magistrate with any additional protection than those laws, which were deemed sufficient for the citizen holding the most obscure station. The love of order and of justice had heretofore been found, and, he hoped, would continue to be found, sufficient for the purpose. They were not to look on the extraordinary and providential delivery of the President from the danger of the prisoner's act; but, free from any anxiety, to judge of the case according to the evidence which would be offered.

It would be found that, on a public occasion, the President, and heads of the departments, were retiring from the hall of representatives, from the funeral ceremonies, which had taken place in consequence of the death of one of the members of the House. Of course, there was a large concourse of persons present. Amongst them was the prisoner; armed with two pistols, perfectly well loaded; who planted himself in a situation the best adapted for the accomplishment of the object he had in view. He placed himself at the entrance of a door, through which he knew the President would pass; having the pistols concealed under his coat. The percussion cap exploded, but did not communicate with the powder in the tube. He immediately dropt that pistol, having been seized by several individuals, but not so as to prevent him from directing a second pistol at the President, which he snapped with like success. The friends of the President, with a forbearance highly commendable, placed no further violence, than to give him into the hands of the officer, where he had been ever since. When brought before the chief justice, no man could have acted with more calmness or intelligence. He was now before that honorable court for trial. The sole defence which can be set up, and which it is to be presumed will be set up, is, that the prisoner is of unsound mind, and therefore incapable of being actuated by a malicious motive.

It might turn out that the prisoner was insane, and he (Mr. K.) believed the community in general would be glad to hear that such an excuse existed; but at the same time it was due to the interests and safety of society that it should be shown by clear evidence that he was not a reasonable being, and, therefore, dispunishable. It was for this reason necessary that he should state what the law was as to the nature of the evidence necessary to prove such an irresponsible state; and that he should do so by referring to grave adjudications on this subject. There were various states of insanity. There were many who were *totally* insane; whose reason was altogether gone; either by reason of some accident, or from inherent incapacity. Such persons should, of course, be confined, to keep them from doing mischief. In such a case the person is totally insane; no ray of mental light illumining his brain; he is so at all times, and upon all subjects. No one, however, would contend for a moment that the prisoner belonged to this class. He (Mr. K.) admitted there were states of madness which fell far short of this; cases of partial insanity; in which the individual was at times perfectly sane; had what is termed his lucid intervals. The inquiry, then, arises, whether the person was in a state of insanity, or, whether it was during a lucid interval that he committed the crime. If the prisoner is to be considered as belonging to this second class, then the question would be, in what state of mind was the prisoner when he committed this assault? If in the state of lunacy, then he was dispunishable; but if done during a lucid interval, then he was not to be excused, and must be punished, inasmuch as it is an act done by a man in possession of his reason. This distinction was clear. But this was not all. There was an infinite variety of feelings bound up in the form of lunacy; there was another description of partial derangement. There was a state of lunacy in which the person affected was only insane as to one particular subject; being as capable of reasoning on all others as any other person; and these were the cases of the greatest difficulty. If it appears that a man is a lunatic, and, further, that he is partially so only; if it appears that he is only so as to particular subjects, then another subject of inquiry arises; and the rule in this subject is equally plain. What is the nature of the act which the person has committed? Does it appear that it is connected with-

that is the offspring of that delusion under which he suffers? Does it spring from various causes, or from the excitement of other causes? Or is it by a cause exciting this particular state of mind? In the present case, the prisoner has committed an assault, certainly with a murderous intent. If under a state of total insanity, they were then to examine into the character of the delusion under which the prisoner was laboring; to ascertain the connection between the act committed and that delusion; and to see whether it was a delusion, and delusion alone, which had induced the act. He (Mr. K.) thought there might be evidence to show that the man was actually under a delusion as to a particular subject. They would then have to compare this with the evidence on the other side, and see how far the crime could be considered as connected with that delusion. No man could have shown more intelligence, more caution and prudence throughout the proceedings against him; and, further, they would find, from the evidence to be produced on the part of the United States, an avowal of objects totally unconnected with the apparent subject of his delusion. He did not say this to influence the minds of the jury; he only wished to use those means which would be adopted by the counsel on the part of the prisoner.

A remarkable trial, which occurred not many years ago in England, seemed to have settled the law in such cases. [Mr. K. referred to the case of Hadfield, for shooting at George III.] It would be found in vol. 37 of Howell's State Trials. The passage he should read from, commenced at page 1314. He was perfectly willing that the law, as then laid down by the counsel of the prisoner, the eminent Erskine, should be adopted in the present case. The counsel for the prisoner, he was willing, should have the aid of the arguments used, and used too, successfully, by that great man, in the case of Hadfield. He asked for the adoption of no other rule of law on the present occasion. He read a few passages from the trial alluded to. [Mr. K. then read an extract from the argument of Mr. Erskine, in which he admitted that it was not enough to show a delusion to exist in the mind of the perpetrator of a crime to render him punishable; but that it must be further shown, that there was a connection between the delusion and the act committed. Mr. K. further mentioned the case of Edward Arnold, for shooting Lord Onslow; in which a like doctrine was laid down, and which case was referred to and the principle generally admitted by Erskine, when pleading the cause of Hadfield.] Mr. K. proceeded: It was not every lunatic, even, who was to be held accountable. There was a general impression, that such was the case; but it was not so: there were lunatics that were accountable at particular times. If, then, the jury should be of opinion, that the prisoner was, at the time of committing the act, under a delusion; that that delusion originated the act; he was, certainly, not guilty; and he (Mr. K.) believed that the community would rejoice if it should be found that such was the case: but if it appeared that he was a man of violent temper and capricious humors; that the act did not spring from delusion, but from other causes; then they could not acquit him from the consequence of his crime. He should lay before them, not only the evidence as to the manner of the act; his appearance and behavior before the judge; but also the instruments; which they could see were as well calculated to accomplish the purpose designed, and as well prepared for it, as they could have been by any man of intelligence. By the withdrawal of the charge of one of these pistols before the judge, on the occasion of his first examination, it was shown that it consisted of a ball well fitted to the piece, and powder of very fine quality. The other was examined on the succeeding day, and was fired off

without any alteration of its charge. The powder was distinctly seen in the tube; and it was repeatedly fired off after this. This, then, was sufficient to show that there was no defect in the instruments or their loading; and also the deadly intent of the prisoner, which was so happily frustrated by Providential interference. He knew that all these acts might be done even by a man of unsound mind; but, still, there were circumstances to be considered in this case; in which the guilt or innocence of the prisoner must depend on the issue whether he is properly to be considered as having been an accountable human agent at the time he committed the crime. Mr. K. concluded his remarks by saying that it was unnecessary to read the indictment, inasmuch as it was nothing more than a common law indictment.

Mr. Secretary Woodbury was then sworn and examined.

By Mr. Key—On the occasion of the funeral ceremony which took place in the hall of representatives, in consequence of the death of one of its members, (Warren R. Davis), \* attended, with the President and other officers of the government; had listened to the funeral service in the hall; left it; the President being on my right arm, had passed through the rotunda, and through the eastern door, where he came rather to a halt, (being in the rear), in consequence of the delay occasioned by the gentlemen who had preceded us getting into the coaches. We had perhaps passed some two or three steps on to the portico, when I heard a noise like the discharge of a pistol; was to the left; looked round directly, and there saw a person, about six or eight feet, a little obliquely to the left, (might not be exact as to distance), who was just in the act of lowering his hand, when my eye caught him. It was the prisoner at the bar; saw him distinctly when I turned, and saw the pistol in his hand; presumed he was the person who had fired; it was directed right towards the President; at first I doubted whether it was

\* The editor recalls with some feeling of enthusiasm the pleasant memory of Warren R. Davis, of South Carolina. With high political abilities he joined an extensive literature; and with the waywardness of the children of song, he displayed an excellence of culture which made him the delight of an intellectual circle of which he was the congenial centre. The verse below is recited, from memory only. The song contains two stanzas, and was addressed to some very happy lady who flitted for a season in Washington society without perhaps being conscious that she had attracted the notice of an inspired intelligence. There are three lines in the stanza quoted of which Byron or Shelley might have been proud.

#### TO A LADY.

"Thou art gone, O, lovely stranger,  
After few brief days' sojourn;  
Leaving one lone heart in danger,  
Long to feel and long to mourn.  
Do not say—*too short the season,*  
*For a Southerner's heart to glow—*  
*In the weapon see the reason—*  
*Lightning kindles with the blow.*

not myself who was aimed at ; but saw that it was towards the President, who was on my right ; turned to the President to see if he was injured ; seeing he was not, turned to look for the prisoner ; he was then in the act of raising his hand again ; had something in it ; presumed it was a pistol ; was not certain it was the same or another ; thought probably it might be a double barrel pistol ; gave a pull from the President's arm, and sprung towards the prisoner : seized him by the collar, and at that moment the second explosion took place ; thought so from the noise : other persons had previously got hold of him ; which appeared to have put him rather out of his first position : they continued to pull him, with some violence, in a somewhat opposite direction. Seeing he was secured, and that there was reason to believe that he had no other weapon, I let go my hold, and turned to see what was the state of the President after the second discharge, as I thought it. The prisoner was dragged forward towards the front of the piazza ; saw no more of him until I saw him here an hour after ; saw the President in the crowd, and went home with him ; afterwards went to several magistrate's offices to see what had become of the prisoner ; not finding him, came to this room, where he had been brought for examination. It was suggested that Mr. Burd, a member, had possession of the pistols. That gentleman shortly after arrived, bringing with him two pistols, which were produced ; should recognize if I saw them again, by their general appearance. An inquiry was made if they were loaded ; Mr. Burd or Lieutenant Gedney hereupon tried them, I believe with a pencil case ; it went down but a little way ; an anxiety was expressed on the part of the court to know what was the nature of the charge in the pistol, and an instrument was produced ; presume it had a screw at the end, and a ball was drawn out ; the ball was examined ; and the next question was what was below the ball ; it was found to be gunpowder ; which was poured out, and also examined.

**Mr. Secretary Dickerson examined.**

By Mr. Key—Was a little in the rear of the President ; at the door of the colonnade there was a halt, which brought me up nearly to his side ; had advanced, I think, about two steps from the door, when I heard the discharge of a pocket pistol ; have certainly heard such pistols discharged without making a louder report ; it being in the colonnade might have increased the sound ; I turned my eye, and saw some man had laid hold of an individual ; I was to the left of the President ; saw Lieutenant Gedney, and supposed he was trying to get the man down, but could not see the man ; it was some seconds before the prisoner could get at his second pistol ; and when he did, from his altered position, he had to throw his arm over to get aim at the President ; certain it was aimed at him ; was very near ; saw the prisoner distinctly ; saw the size of the pistol,

but could not say whether it was brass or steel; it appeared that it must have struck the President had a discharge taken place; in a second from this time the prisoner was crushed to the floor, but was soon raised again; Mr. Gillet, a member from New York State, a very strong man, had hold of him, as also had Lieutenant Gedney; I looked at the prisoner, and kept my eye on him, so as to be certain of his identity; about the instant the second explosion took place the President had lifted his stick to strike the prisoner, but made no blow, being prevented by his friends.

By Mr. W. L. Brent—The President was about three feet from me, on the right; no one was between us; did not see the first explosion, but heard it; saw the second; do not know if both were from the same pistol; think the second was not so loud as the first explosion; was a great crowd coming out at the door; did not hear Lawrence say it was at the President he directed the pistol; but formed that opinion from what I saw.

Lieutenant Gedney examined.

By Mr. Key—At the time of the assault was entering the door of the eastern portico; going into the rotunda, I observed the President with Mr. Woodbury; they had advanced two or three steps from the door; observed some movement in the crowd; turned my eye, and saw the man with a pistol; I seized him by the shoulder, and got him down; he dropped the pistol; there were two; Mr. Burd had the pistols; some five or six persons seized the prisoner, and then I lost sight of him; examined the pistols, with Mr. Burd; did so with a pencil case; both were loaded; saw nothing further, till I saw the prisoner in court; I took one pistol, Mr. Burd the other; examined them both directly; saw but the first discharge; the pistol was apparently aimed at the President.

By Mr. W. L. Brent—Was at about the distance of eight feet from Lawrence, and at about an equal distance from the President, on the left; was directly between Lawrence and the President; was a great crowd at the door.

By a juror—Had hold of him at the time he snapped the second pistol.

Mr. Secretary Dickerson re-examined by Mr. Brent—The President spoke angrily at those who prevented him from getting at Lawrence; said, "let me alone! let me alone!" Recollect hearing him also say, "he knew where this came from!" Understood he did say more.

Mr. Hunter (the marshal) examined.

By Mr. Key—Seized the prisoner; had been in attendance in the Supreme Court; perceived a crowd; pushed through it, and took the prisoner, without knowing what he had done; this was a few moments after he had been disarmed, brought him down before Judge Cranch; was present on his examination; am

quite sure the pistols now in court are the same; they were marked at the time.

[Mr. Burd's evidence, which had been taken before Judge Cranch, by consent of the prisoner's counsel, to allow Mr. B. to return home, was now given by the honorable judge].

Judge Cranch—Mr. Burd, on the day of the examination of Lawrence, produced a pair of pistols in court; I believe these to be the same; they were marked on the breech; he was asked if they were in the same condition as when taken from Lawrence, and he said yes; both were loaded.

Mr. Hunter continued: These were the same pistols; saw the bullet extracted by a ramrod; believe by Mr. Blair. [The ball and powder were produced]. There was a patch on the ball; the pistol was charged in the usual way; there were other percussion caps, balls, &c. found in the prisoner's trunk; also in his pocket; saw the powder in the other pistol; took one of the caps found on Lawrence, and fired that pistol; the ball passed through one plank, and nearly buried itself in the second, some yards beyond.

By a juror—No priming wire was used on the occasion; tried several times with the other pistol, and was surprised that it did not go off; but found the reason to be that there was nothing in it; the powder and ball having both fallen out.

By M. Brent—When Lawrence was conveyed from the capitol, in the hack, he appeared perfectly collected; said his reason for the act was, that the President had killed his father; that his influence was so great that he had got everyone to *persecute his father, so that he died poor.*

Lieutenant Gedney re-examined by Mr. Brent—Was of opinion that the cap did not explode the second time.

Mr. Hunter further examined by Mr. Key—Both pistols were without caps; but a portion of the cap always remains on the hammer; the pistols were in possession of Judge Cranch for a short time; but since then have been in my possession.

Judge Cranch examined by Mr. Key—The prisoner on the occasion of his first examination did not seem to attend very particularly to the evidence given; his manners were cool; but he seemed indifferent; do not recollect the prisoner's remark as to proof being necessary as to his identity, after the examination of the first witness; believe he was asked if he wished to put out any question, after the examination of each witness; he did not appear absent in mind, but rather regardless of what was going on; on one occasion did say, "I cannot contradict what the gentleman has said."

The foregoing evidence having been gone through on the part of the prosecution,

Mr. W. L. Brent asked permission for the prisoner to leave the court. It was painful to all that he should remain; partic-

ularly so to himself, as his counsel ; and the law did not require his presence.

Lawrence then rose and addressed himself wildly to the judges : what he had done to Jackson, was on account of money which he owed him : he had come there for that purpose; he considered all in that court as under him ; the United States bank had owed him money ever since 1802, and he wanted his money ; he must have his revenue from that bank. You are under me, gentlemen. [Mr. Woodward, the deputy marshal, endeavoring to prevail on him to resume his seat, he turned round, indignantly, and said, "Mr. Woodward ! mind your own business, or I shall treat you with severity ?"] It is for me, gentlemen, to pass upon you, and not you upon me.

Mr. Brent again appealed to the feelings of the court to spare itself, and the jury, this painful exhibition, by permitting Lawrence to depart in custody of the marshal. Why should the prisoner be detained on this any more than on other similar occasions. He felt, for his own part, that he could not do justice to the cause of the prisoner if he sat beside him ; the very fact, that he should take a course in the defence of the prisoner with which he was displeased, would prevent it. He hoped the honorable counsel for the prosecution would permit Lawrence to leave the court.

Mr. Key said, he hoped it was not understood that he objected to that course ; he was neutral on the subject ; he had himself no power to grant him leave to depart.

The court was of the opinion that Lawrence should remain until proven to be insane. He would, however be permitted to withdraw, if it were his own wish to do so.

[The unfortunate maniac again started up, and denied the power of the court to try him ; he was his own man, he said, and would have his revenue.

Mr. Brent endeavored, and successfully, to soothe Lawrence, by telling him he should have his rights. "Ay, but when?" To-day, replied his counsel ; and he sat down contentedly, on this assurance.]

Mr. Brent said he thought it quite unnecessary after the able exposition of the law of the case, which had been given by the counsel for the United States, to trouble the court or jury with any further remarks on that subject ; he subscribed fully to the principles laid down by that learned gentleman ; all that remained was to prove that the mind of this unfortunate man was in a state of morbid delusion. He would proceed to call witnesses for this purpose.

Mr. Redfern sworn.

Examined by Mr. Brent.—Have known Lawrence for sixteen years ; I married his sister ; first observed a change in him in 1833 ; in the fall of 1832 he left Washington with an intention, as he said, of going to England ; he left in November, and re-

turned again in December, assigning as a reason that the weather was too cold; in the spring of the next year, he started again to go to New York or Philadelphia; he certainly got no farther than Philadelphia; on his return this time, he said the people would not let him go; that this government opposed his going; that I and others had prevented him; that he should not be able to go until he got a ship and captain of his own; that when he got to Philadelphia, he found all the papers so full about him, that he was obliged to come back. After this he remained in my house six months, but did nothing; said he had no occasion; that he lived on his people; it was very well for men such as me to work, but he had no need; that he had large claims on this government, which were now before Congress; and he used to attend Congress regularly; he left my house in January, 1834, but, previous to this, had got quarrelsome with his sister; said the colored girl laughed at him, and that he would kill her; he said that other people also laughed at him; he struck all his sisters on several occasions, and once took up a four pound weight to throw at my wife; I have seen him pass since this time, but never have spoken to him since 1833; he would go about the house without speaking for days together; but would talk and laugh to himself continually in his own chamber; it was the general impression of the neighbors that he was insane from the beginning of 1833; his father died on Capitol Hill—I think about the year 1821 or 1822.

Mr. Brent inquired of the witness if Lawrence held two estates in England? [On asking Lawrence the names of his estates, he replied very gravely, "Tregear and Kinnaway!" and they were attached to the crown of England. The witness of course answered in the negative].

Mr. Redfern further stated his belief that Lawrence was insane not merely on one subject, but he was suffering under general derangement.

By Mr. Key—On the occasion when Lawrence struck my wife, I took him before Squire Waters; he told the magistrate he had no power over him to commit him; do not recollect if I represented him as a madman; he has done very little work since 1833; never knew him to drink.

By Mr. Brent.—The prisoner is a painter by trade; used to amuse himself by drawing landscapes, sometimes till 10 or 11 o'clock at night.

#### Samuel Drury examined.

By Mr. Brent.—Have known the prisoner 25 years; for the last year have observed a change in his conduct; he would talk to himself continually in his shop; he would sometimes say, "d—n him, he does not know his enemy; I will put a pistol—erect a gallows;" he conceived himself to be King Richard the third of England; and likewise king of this country; this was about the latter end of last December, or beginning of January;

after that, I heard him say, "d—n General Jackson! who's General Jackson?" On one occasion a black boy called to collect a bill, and Lawrence said he would call and pay it; but, as soon as the boy had left, he said, "d—n him! he don't know who he's dunning!" He would stand at the door for hours, wrapt in thought, and even when I passed him took no notice of me; he was continually talking to himself; and would now and then burst out in fits of laughter; I noticed no particular change in dress—he was always fond of dress—but I did in his conduct and appearance; I have often said he was a crazy man, and have heard others say so; have heard the boys call him King Richard; on the morning of his attack on the President he came to the shop at the usual time, and went to a place where I could see him through a partition; he was sitting on a chest with a book in his hand, laughing; I heard soon after the lid of the chest fall, and heard him say, "I'll be d—d if I don't do it;" he then came out; left the shop, and locked the door.

By the court.—Do not know what book he was reading; it was a very small one.

**John H. Drury** examined.

By Mr. Brent.—Am the son of the last witness; know the prisoner; he appeared to be always by himself, and wrapt in thought; always seemed melancholy; would stand at the door in his cloak in the coldest weather; always thought him a crazy man.

By Mr. Key.—Never had any conversation with him.

**Mr. Handley** examined.

By Mr. Brent.—Have known Lawrence for twelve or fourteen years; when he was a boy he was apprenticed to Mr. Howard, a painter in this city; Mr. H. left Washington, and Lawrence then went as an apprentice to Mr. Clark, at Georgetown; knew, however, but little of him until 1828, when I was engaged as a plasterer at the National Hotel; was well pleased with him; he was working then as a painter; he was remarkably steady, and got into business for himself; was always reserved; had no acquaintances; was never seen in a tavern; never known to drink; in the fall of 1833, he left Washington for New York, with the intention, so he said, of embarking there for England; where he was going to improve himself in landscape painting; he returned, however, in a few weeks, and said the reason he did not go was that the weather was so cold. I noticed a great change in his manner from this time; he was evidently under some strange impression; after this he hired a horse frequently to ride to the Capitol, he wanted to purchase one; but was persuaded it would be better to hire one; he bought a saddle and bridle, however; he became, also, very fond of dress; would change his dress three or four times a day; there was not a boot-maker who could fit him, and he would stand at the door for hours and speak to no one; he did no work

all that summer, nor during the winter; early in 1834 I was standing in front of Mr. Redfern's store, when Mrs. R. came out and complained to her husband of Lawrence's conduct, saying she could put up with it no longer; Mr. R. said nothing; she went in and Lawrence took her by the shoulders, and either pushed or knocked her down; while she was down he snatched a four pound weight from off the counter; either myself or Mr. Redfern then seized him; he said he would not go to the jail; that the magistrates had no power to commit him; he said he would go if Mr. R. would go. The officer, however, told him he would have a fine room, well furnished, where Mr. Watkins used to be; he was pleased, and said he could have his paintings there, and be very comfortable.

\* \* \*

Saw him standing at his shop door about the first of June last; I was at that time engaged at Gadsby's buildings; his sister applied to me to endeavor to get him employment; she was under the impression that he was deranged, but thought if he got employment it might settle his mind. I thought so too, and endeavored to get him work; he came over to me one day and commenced talking about work; advised him to go to work; think he said no one would employ him; told him Mr. Gadsby had been well pleased with his work before; but advised him to go to Mr. Purdy, who was now working for Mr. Gadsby; he appeared not to like to take day's work; but I told him it was not likely Mr. Gadsby would discharge Purdy to give him the job; he agreed to work; but on the morning he was to come I met him, and he said it was too late, as he could only make three-quarters of a day; he went to work, however, and continued to work for Mr. Purdy for two or three weeks; he then told Mr. P. he could not work for the same price as other men, and left him; I saw him at work again for Mr. P. in November; thought he was deranged from his conduct; and so expressed myself to persons in the neighborhood.

By Mr. Key.—Had not considered him as deranged on all subjects; knew that he laid claim to this and the English government.

Dr. Clark examined.

By Mr. Brent.—It was more than eight years since the prisoner lived with me; lived with me three years; was then a remarkably fine boy; rather an exception to the general order of boys; reserved in his manner; but industrious, and of good moral habits; have seen the young man repeatedly of late; thought there was a strange difference in his appearance and manners during the last eighteen months; he was always neat and cleanly; but had of late been much given to dress; had worn mustachios, too; had thought his mind had undergone some change; his countenance, too which used to be florid, had of

late appeared pallid, as it did now; and there was an altered appearance about the eye; had occasion to have him at my office last year, on some business in which he had no concern; remarked that he was frequently absent while I was talking to him about it; and though now and then his mind seemed to catch the correct notion, yet at other times he betrayed a want of comprehension, and that as to subjects with which he had ought to have been better acquainted than myself; frequently observed him stopping at the corner of streets, and gazing round and I noticed these things with regret, for I had been very fond of the youth; last time I saw him was the day previous to his attack on the President; I was riding into Georgetown about 2 o'clock; *noticed the peculiarity of Lawrence's gait and general appearance; when he got opposite the gate leading to the President's house, he stopped; stood gazing there; after riding some way I turned in my saddle, and saw him still standing there;* had considered him insane for the last eighteen months; appeared not to understand even subjects connected with the business in which he had been engaged with me.

By Mr. Key.—Did not state any opinion as to his insanity on the day of his examination, because I was not asked; never had any conversation with him on the subject of his delusion.

Mr. Handley, the witness formerly examined, corrected a mistake in the testimony he had given—it was in the spring of 1834, that Lawrence went to board with Mr. Cuvillier at the navy yard.

James Freyer examined

By Mr. Brent.—Lawrence boarded at my house for eight weeks; when I spoke to him about money, he would say that he should have millions shortly; that Congress owed him a large sum; and that he had to attend there, on the subject, to get it; that he had also large estates in England, and was related to the crown; on other subjects he would talk at one time very rationally, and at others equally irrationally; one afternoon he threatened to blow Mrs. Freyer's head off, or to cut her throat; then told him he must quit; this was sometime in July; did not consider him sane or safe, from the time he left my house; in October I was going by his shop, and said, seeing him there, "Lawrence, how do you do?" His answer was, "Go to h—! what's that to you?" Told him I had a due bill of his and must have my money; "you mean to warrant me for it, I suppose?" he remarked; told him I did not know whether I should or not; "If you do," said he, "I will put a ball through your head."

Mr. Cuvillier examined.

By Mr. Brent—Have known Lawrence for four years and a half; have noticed an alteration in his conduct for eighteen months past; Mrs. Redfern requested him to leave, but he would not; my wife is sister to Lawrence; I endeavored to persuade him to leave but could not; the reason he assigned for refusing to leave was that they had a book in which he had found out, that a large fortune had been left him in England, said he had no deeds or papers; saw the book afterwards, it was an old book, entitled Entick's British Empire, printed in 1774; had remonstrated with him on his foolish notion; and told him his best fortune was in his fingers, and that if he did not leave Mr. R. would put him in jail; he said they could not, and that no person yet knew who he was; that was the first time I discovered him to be insane; since then he has boarded with me; used

to attend Congress every day; would not work when urged by his sister, but replied, "Oh, you are a fool, you know as well as I, what my claim is?" he left my house, and we saw no more of him until last October; he then agreed with me to paint my house, but did not; one Sunday he came just before dinner, but would not stay to dine; said he was wanted instantly, and was going to take a passage to Alexandria; he went the following day to Baltimore; heard no more of him till November. It is the opinion of his friends that he has been deranged for the last 18 months on particular subjects.

By Mr. Key.—Considered him as deranged as to particular subjects only, can talk rationally on others.

Thomas Smith examined.

By Mr. Brent.—Have known Lawrence for years; previous to December, 1832, was a prudent, sober, industrious young man, but reserved in his manners; on returning from New York, came to purchase a horse of mine; I persuaded him to hire one instead, and he did so; but said I had not a saddle good enough, and bought one for himself; he hired the horse four or five times a week; in the winter of 1833 he became extravagant in dress; had had two suits sent home in one day; said none would fit; and that the tailors had combined to spoil his clothes; it was in the spring of 1833 I first remarked a change in him; he became violent, and immoral in his habits; had frequent difficulties with his sisters on that account; he now hired two horses, one with a side saddle; was frequently riding about with a female; discovered her to be a woman of loose character. Mrs. Redfern then insisted he should leave the house, which he refused to do.

By Mr. Key.—Might not perhaps be deranged on all subjects; could not say how far his derangement extended; should think he had lost all sense of right or wrong; judged so from his altered habits; believe he would as soon have shot his sister as the President.

Mr. Laskey examined.

By Mr. Brent.—Have known Lawrence 20 years; his father was my uncle; was himself deranged, and confined in a room frequently, in England; and Lawrence's aunt died deranged in the District.

Mr. Purdy examined.

By Mr. Brent.—Lawrence had been in his employ, as stated by Mr. Handley; had always thought his conduct curious; was always talking to himself; frequently broke out in fits of laughter; never associated with any one.

—Gillespie examined.

Worked with Lawrence for Mr. Purdy; had to work on a scaffold with him near the long bridge; his conduct was so strange that I was afraid to work with him, and complained to Mr. Purdy on the subject; thought Lawrence was mad.

Dr. Magruder examined.

By Mr. Brent.—Attended Lawrence a year ago for a local disease; he talked so incoherently that I was satisfied that he was deranged; no man in his senses would have given such reasons as he did; might have been able to judge right and wrong; but should not have liked to trust his judgment to any amount in either matter.

By Mr. Key.—Considered Lawrence at that time mad on all subjects; but did not try him.

Dr. Hall examined.

By Mr. Brent.—Had listened to the evidence in this case.

Mr. Brent.—The law says that the existence of reason is necessary to constitute punishable crime; its deprivation renders the individual disipunishable. What do you call reason?

**Dr. Hall**—It is in the popular consideration of the term, the attribute of a sound mind; and supposes the faculty of comparing and judging. Insanity, on the other hand, is habitually and palpably, in thought and act to judge erroneously and absurdly. Such is the distinction of the two states; though I confess myself unable to give a strict definition of the term; in the idiot the faculties are altogether defective; in madness they act erroneously: should not call Lawrence an idiot; partial insanity is where the erroneous action is confined to a particular topic or topics; the judgment remaining unimpaired as to others; total insanity is where the erroneous judgment extends to all subjects; lunacy is a term used to express one of the many forms of insanity; a person may be entirely insane, yet not so as to a knowledge of the cause of his insanity; he might know that it arose from a physical injury for instance; I have visited Lawrence twice; consider him laboring under a morbid delusion on a particular subject, and which has so deeply affected the mind, that its effects have extended nearly to all subjects; he can talk rationally whilst you can keep him from one subject; but is very apt to run into that from any and every subject; should distrust his judgment on any point whatever, for the reason that he always manages to connect the subject of delusion with other subjects; from what I have seen I believe his attack on the President was so connected, and that therefore he was not capable of judging right from wrong as to that act; believe it, if so, to have been an act of insanity; cannot, of course, tell what might have been his temper at that time; insane persons may, even in the paroxysms of the complaint, talk rationally; do not see any thing in the physical appearance of the prisoner decisive as to the state of his mind, or the cause of that state.

I saw him last Monday. In the first place asked his name, he said Richard Lawrence; he said it was the family name, and descended from the crown of England; my object was to induce him to converse on subjects not connected with the subject of his delusion; he voluntarily stated his supposed descent; I asked him as to his education; he said he was not sent to school in England; but, that after he came here, his father put him with a painter; which he thought very strange, because, as he was heir to the crown, he thought he ought to have been sent to school to fit him for his station. He then went on and talked so incoherently that I cannot repeat his conversation, about Rome and Holland, and this country; he said the government of all of them properly belonged to him; he said, as to his attempt on the President, that he had *no personal hostility towards him; but that he stood in his way; opposed his just claims; and therefore he was determined to destroy him; he thought he had a party in this country who would espouse his cause, and that as soon as the President was removed, his successor would give him his rights;* he spoke also in a like incoherent manner about the bank. Mental derangement can not always be detected by an examination of the forehead; in mania, men sometimes reason powerfully and coolly; but more generally rave incoherently; in some cases they will reason acutely, but generally erroneously; believe, from the conversation of Lawrence, his state is that of morbid delusion; and the only question is—is it genuine or pretended? I believe it is not feigned. Both conversations I had with him were of a somewhat similar character. He relies upon Mr. Brent's power to get him out of jail, and procure him his rights.

By Mr. Brent.—In lunacy the state of the patient varies; and his present may be very different from his state of three or four weeks ago.

**By Mr. Brent—Should call Lawrence a lunatic**

**By Mr. Key—Should distrust the judgment of the prisoner on any subject; madness may be spontaneous, and its cause inscrutable; there are exciting causes in most, but not in all cases.**

**Dr. Bohrer examined**

**By Mr. Brent—Lawrence talked rationally until the subject of the occurrence at the Capitol was touched upon; and then immediately, incoherently, as to the state of the country; told me his mother was pious; I asked him if she taught him the ten commandments; then, particularly, as to the sixth; found him perfectly unconscious of any moral or religious responsibility. [Dr. B. here related a conversation, which was precisely like that with the other physician].**

**Dr. Lovell examined.**

**By Mr. Brent.—Visited Lawrence in jail: in doing so, had two objects—first to ascertain the nature of the delusion; and secondly to see in what manner it was connected with the President. With a view to the former purpose, made inquiries as to his family; he answered these questions in part correctly; said they had large estates in England; said they belonged to him and his brother; but they had been defrauded out of them; he said they came to him through the family of Fry, and they were attached to the crown of England. I then put other questions to him, in order to see how this delusion was connected with the President; he ran on for some time in an incoherent strain, as to his right to the crown of England—friars—the church of Rome—Holland—and this country; he said this country belonged to England; that the people here were rebels; asked him how it belonged to England, and he said, that the English came here and got the land by driving off the Indians; and therefore it was theirs; that he was heir to the crown of England, it belonged to him; but that Jackson was leagued with Lord Wellington to keep him out of his rights; that it was for this reason he had refused him money to go to England; asked him if he was not aware that the act he had committed was wrong; he said no, not if Jackson had interfered with him.**

**Dr. Worthington examined.**

**By Mr. Brent—Visited Lawrence on Wednesday last for the first time; did not remember to have seen him before; but, he said, he knew me, and had seen me in Georgetown; said he had been there with Dr. Clark, as a painter; he was consistent in this conversation; his language was such as men would ordinarily have used; he then went on, in answer to further questions, to state, that he went on to New York; that he had made money here, and spent it in that city; that he had been to the President for money; said he had demanded of him a check on the bank of the United States. In reply to my question, as to what claim he had on the President, he said the President was the head of the nation; that he had the bank, and the bank belonged to him; and if he did not give him his money, he or the President must fall; he said he was the heir—the term he used was the *correct* heir—to the crown of England; that the land was his; he then went on and talked the most incoherently about Rome, and Holland, and Catholics; could not, I found, bring him to one point for some time; he said, that the first time he called on the President he had pistols in his pocket, and would have shot him; the second time he had not pistols with him; he had not informed the President of this; *did not tell any one what he meant to do*; but had talked so loud, frequently, that he was sure some one must have heard; *he had done so intentionally*—had done so before Mr. Drury; his object, so he said, was, so that they might let the President know; the reason, he said, why the pistols did not go off was that they were badly loaded;**

said he put in the powder and the ball himself; my impression during the conversation was that I was talking with an insane person—insane in one particular; but which insanity had so impaired his reason on other subjects that it was impossible to say how far it extended; detected nothing decisive in his physical appearance, but formed my judgment from his conversation; believed his insanity was not feigned; and am of opinion that a physician knowing previously the real or pretended subject of insanity could easily detect the one from the other, I had this knowledge as to Lawrence; believe that as to every act connected in any way with the subject of his delusion he is incapable of distinguishing betwixt right and wrong; have formed an opinion that his derangement is more general from the collateral proof of the testimony which has been given to-day.

By Mr. Key—Was perfectly sane in his conversation till he touched on the topic of money.

By Mr. Brent—There are two divisions of mania: one in which the patient is dejected and melancholy; this is not the kind of which Lawrence is afflicted: his would appear to be of that character which is called, in Dr. Rush's classification *astromania*—where the notions of the patient are of an elevated character; one of the *symptoms* of mania is an *insensibility to cold*; was struck when I heard the jailer mention this as being the case with Lawrence; it is a characteristic symptom of mania.

Dr. Hall re-examined.

By Mr. Brent.—It was a symptom characteristic of general mania.

Dr. Causin examined.

By Mr. Key—Attended Lawrence soon after his commitment, in company with Dr. Sewall; the statement published was made out the same evening. The motive assigned by Lawrence for the act he had committed, was, that he had blamed Jackson for the loss of money which mechanics, and he among the rest, had sustained through him. My impression now is, that, unless he has been practicing deception, he is under the influence of *false imagination*; he said, he was heir to the crown of England; that his object in calling on the President was twofold; that he wanted to get money; and, with that money, to go to England; he demanded a certain sum, I think one thousand dollars. As to the particulars of their conversation, I would refer to our published document; inasmuch as it was made out the same evening; thought his hallucination extended to two subjects only; his right to the crown of Great Britain, and the blame attachable to General Jackson, in keeping him out of money to go there. Is believed by the best writers on the subject, that the most proper course which can be pursued in detecting madness, is to touch on the particular point of derangement, which will then produce a visible excitement. They have laid it down, that the mind possesses an internal and an external sense; and that if you touch upon an affected point of the one, it must produce an action in the other, thereby causing that excitement which I have alluded to; which has been wanting, as I have observed, until this morning, in the prisoner; he has been invariably calm and unexcited. It is stated by the

best writers on monomania, that the subjects of disorder reason *correctly from false premises*; in the absence of any evidence of this, in the circumstances attending the act committed by Lawrence, I should say, there was no doubt he was laboring under a *false imagination*.

Dr. Sewall examined.

By Mr. Brent—By the term hallucination, used in the first publication, meant insanity; the state of an unsound mind; do not think the prisoner feigns; but think, that if he had done so, it might easily be detected; think his disorder has been coming on for these eighteen months; there is a strong family predisposition to madness, according to the evidence of one of the witnesses; this would be quite sufficient to account for the state of the prisoner, without any other cause, mental or physical.

By Mr. Key—Believe a physician would decide him to be insane from his very appearance, his attitude, his manner, his aspect; think any discriminating man would judge him to be so, from these outward appearances; do not think insanity could be feigned as easily as drunkenness, which latter would be in a great degree a mere physical deception; believe the state of the prisoner's mind is indicated by the general expression of his countenance; but particularly of his eye; there is in it that particular appearance, which a medical man can at once perceive, although he may not be able well to describe it.

Mr. Ball, the prison keeper, testified to Lawrence's insensibility to external cold, (which had been stated by one of the medical witnesses to be a symptom of monomania); he would let his fire go out on the coldest day, and sit in his shirt sleeves.

Mr. Brent said he would not trouble the jury with any remarks; but leave them to decide on the evidence they had heard.

The Court handed to the jury the verdict given in the case of Hadfield.

They then retired, and in about five minutes returned the following verdict: "We find him *not guilty*, he having been under the influence of insanity at the time he committed the act."

The Court then ordered that Lawrence should be remanded, and be made as comfortable, and treated as well as his situation would permit, until some further provision could be made to prevent him doing further mischief.

**NOTE.** This trial and acquittal of Lawrence is of great significance as it recognizes the principles enunciated in England in the Hadfield case. The law of insanity, as so adopted in our courts nearly fifty years ago, has since that time assumed even more liberal features of construction; and while the public may growl occasionally over the acquittal of a criminal on the ground of insanity, nevertheless it is a mark of the advance of Christian civilization, that the courts lean with enlightened commisera-

tion towards those unfortunate persons whose acts, though apparent crimes, are really the results of the greatest, the heaviest calamity that can befall a man—a *disjoined mind*.

In the proceedings of this trial, as they appear above reported, there was no forensic conflict between the eminent counsel on any legal question. Nothing could exceed the graceful and the temperate manner in which Mr. Key presented the cause to the jury. Instead of using expressions of that overweening desire for a conviction—which too often characterize the efforts of prosecuting officers—he made no effort to conceal the prevailing sentiment in his mind—that a *judicial ascertainment of insanity would do more to vindicate the national honor, and appease the demand of justice, than any punishment which could be inflicted upon the prisoner*;—this prevailing sentiment was indicated in the fact, that in the course of his brief speech, Mr. Key twice referred to the thought—that *he believed the public would be gratified to know that the prisoner was insane*.

Of course there was great excitement in Washington City upon the commission of this offence. The opinion at first prevailed that there was some political significance in the assault—that it was a planned assailment—prompted by the desire of the opposite party to get the President out of the way for political purposes. General Jackson was at first of this opinion—for we are told that when he raised his cane to strike his assailant and was prevented—he exclaimed, “Let me alone! let me alone; *I know where this comes from.*” This is very like Old Hickory. Whether he ever expressed a different opinion we have not enquired; but with him first impressions were not easily removed. But so far as the public was concerned the evidence of the prisoner’s insanity was so satisfactory—not to say overwhelming—that the excitement died away, and Lawrence was housed in an asylum.

In this trial, as above reported, there appears a conspicuous disregard of some of the simplest rules of evidence, and persons, not experts, were allowed to express their *opinions* on the question of the prisoner’s insanity; but the intelligence of the physicians was equally conspicuous; and the symptoms of insanity will be found herein given and defined as far as they go with accurate and learned precision.

On the question of *feigning* insanity, on the part of the prisoner, there was one of the learned experts who was unwilling to say that Lawrence was *not feigning*—Dr. Cousin—but he was equally emphatic in refusing to say that he *was feigning*.

Now, from Lawrence’s *conduct at the trial*, if disconnected with the facts and his acts previously, showing unmistakable insanity—the court and jury might well have suspected him of feigning; for just such obstreperous antics might have been played with equal success by a perfectly sane man, on such an occasion.

## ASSASSINATION AND INSANITY.

### NUMBER II.

#### GUITEAU'S CASE EXAMINED.

The King-killer is a very common historical character. The self-constituted destroyers of tyrants start up in every age. Some of these have been worshipped as demi-deities : the Greeks had an hymn to Harmodius and Aristogiton which placed those heroes in the ever-green islands of the blessed.

It is to be observed, too, that in ancient as well as in modern times, these bloody exploits were generally perpetrated in the *name* of liberty : overweening patriotism, upon occasion, convulsed itself into glorified martyrdom, and oppressed freedom ever found a ready avenger in the red right arm of some meditative Brutus.

#### ASSASSINATION OF CÆSAR.

Of the royal assassinations that have startled mankind, that of Cæsar was the most convulsive. Then it was that "Cæsar did bestride this world like a colossus." Cæsar was then the central figure of humanity—the cynosure of all eyes ; his name and his fame were familiar to all the nations of the earth; to the civilized he was the admiration, to the barbarian he was a sphinx and a terror. His assassins, too, were of the most noted—some the most illustrious of the Roman citizens. With a wonderful simulation of patriotism he had just put aside—three times the crowns which the people offered him in the market place, and the city was pouring out shouts of gratulation at the self denial of this illustrious hero; all these things combined to make this event the most stupendous one of its kind in the annals of history.

How much insanity, if any, entered into this assassination ? If we remember the rule referred to in a note on page 19 of the first number of this journal, that "the insane never have accomplices in the acts they perpetrate," then the conclusion seems reasonable that there was *no insanity here*. But this is a negative proposition—not conclusive. In the face of this rule we

propose to deal with Brutus *alone*, and to lift him out of the category of accomplices, by showing that he, himself, had been the object of a conspiracy : it required a conspiracy to drag Brutus into *the* conspiracy. Now, if Brutus was dragged into the conspiracy to kill Cæsar, under a *delusion*, as we expect to show, we may without violating the rule above referred to visit him with insanity.

The conspiracy against Brutus, concocted by Cassius, was intended to impress upon Brutus the idea that *the people of Rome looked upon him as the chief guardian and the protector of the liberties of Rome, and that Cæsar was beating down those liberties, and that he was in duty bound to prevent this*. For the purposes of this conspiracy against Brutus, Cassius plies him—both by speech and by letters and notes dropped opportunely in Brutus' way, and thrown in at his windows. Cassius succeeds in firing up the patriotism of Brutus, and we see and hear the latter thus uttering his perplexities :

“Since Cassius first did whet me against Cæsar,  
I have not slept.  
Between the acting of a dreadful thing  
And the first motion, all the interim is  
Like a phantasma, or a hideous dream:  
The Genius and the mortal instruments  
Are then in council; and the state of man,  
Like to a little kingdom, suffers then  
The nature of an insurrection.”

There is no single speech in Shakespeare which has so peculiar an effect upon the mind, in the reading of it, as this. It is quite impossible to repeat those lines without feeling a sort of dizzy whirling of the head. Let any man try it!—It seems that the brain totters in attempting to grasp the vast conception, as the thought grows and expands into a sort of confused circle. It is the *agitation of a great mind in the very act of being unhinged*.

Shakespeare intended in this speech to give a glimpse of a mind overloaded with sickly broodings and struggling to give shape to some dimly developed idea out of a mass of incoherencies. “The state of man, like to a little kingdom, suffers then the nature of an *insurrection*.” The word *state* here means, mind—the condition of the mind ; it is in the act of upheaval—in danger of being overthrown. The cause, too, of this deplorable mental agitation is apparent : “Since Cassius did so *whet me against Cæsar, I have not slept!*” this inability to sleep is one of the symptoms of insanity.

In this condition of mind, while Brutus is lost in speculative abstraction, he is vigilantly and continuously assailed by Cassius. The following passages will serve to illustrate the plot against Brutus.

"I will this night,  
 In several hands, in at his windows throw,  
 As if they came from several citizens,  
 Writings all tending to the great opinion  
 That Rome holds of his name; wherein obscurely  
 Cæsar's ambition shall be glanced at:  
 And after this let Cæsar seat him sure;  
 For we will shake him, or worse days endure."

Again, more in detail, the plot proceeds :

' O Cassius, if you could  
 But win the noble Brutus to our party—  
*Cas.* Be you content: good Cinna, take this paper.  
 And look you lay it in the praetor's chair  
 Where Brutus may but find it: and throw this  
 In at his window; set this up with wax  
 Upon old Brutus' statue: all this done,  
 Repair to Pompey's porch, where you shall find us.  
 Is Decius Brutus and Trebonius there?  
*Cm.* All but Metellus Cimber; and he's gone  
 To seek you at your house.' Well, I will hie,  
 And so bestow these papers as you bade me.  
*Cas.* That done, repair to Pompey's theatre.

[Exit *Cinno.*]

Come, Casca, you and I will yet ere day  
 See Brutus at his house: three parts of him  
 Is ours already, and the man entire  
 Upon the next encounter yields him ours.  
*Casca.* O, he sits high in all the people's hearts:  
 And that which would appear offence in us,  
 His countenance, like richest alchemy  
 Will change to virtue and to worthiness.  
*Cas.* Him and his worth and our great need of him  
 You have right well conceited. Let us go,  
 For it is after midnight; and ere day  
 We will awake him and be sure of him."

Thus we see Brutus the dupe of a superior mind : he goes into the conspiracy upon a stratagem. Similar plots had been concocted to a certain extent, with a view to bring Cicero into this conspiracy, but the great orator was equal to the occasion and escaped the insidious toils. Brutus was *weak in vanity*.

There is a species of insanity called *Astromania*: a *striving toward the stars*. This it was that afflicted Brutus, and this, it may be, afflicts Guiteau.

Shakespear clearly develops this overweening vanity of Brutus. After the event he puts Brutus forward and makes him assume the whole responsibility and claim the whole glory.

In the celebrated speech of Brutus over the dead body of Cæsar, we have the constant recurrence of the inevitable *ego*. Brutus is the conspicuous figure here—Cæsar is subordinate, and Cassius is absolutely ignored :

"Not that I loved Cæsar less, but that I loved Rome more. Had you rather Cæsar were living and die all slaves, than that Cæsar were dead, to live all free men? As Cæsar loved me, I weep for him; as he was fortunate, I rejoice at it; as he was valiant, I honor him; but as he was ambitious, I slew him. There are tears for his love; joy for his fortune; honor for his valor; and death for his ambition. Who is here so base that would be a bondman? If any, speak; for him have I offended. Who is here so vile that will not love his country? If any, speak; for him have I offended. I pause for a reply."

There are reasons besides which authorize us to visit insanity upon Brutus. He consents to murder the man he loves, without personal cause. His motive is exclusively *political*.

Again: If Brutus belonged to the old line, he had the hereditary taint of insanity. Junius Brutus was insane.

Again: After the assassination, it is an historical fact that Brutus asserted that he *saw and conversed with a ghost*—that this ghost said something like "we will meet at Phillipi." This *ghost story of Brutus* must be weighed in the scale that tests his sanity. No man of this day can doubt that this ghost was a *delusion*, a *phantom* of the brain—the monster of a disjointed intellect.

Again: Brutus commits suicide; this is no less an indication of insanity simply for being a Roman fashion.

The rule as to the effect of hallucinations on the mind is—that as long as the hallucination is recognized as such by the person—it is so far of little significance; but if it is believed in as a reality, it is then an indication of insanity: and in proportion as this belief is fixed, it grows into absolute insanity. Now, it is evident from the history as well as the poetry of the story of Brutus, that this terrific apparition jostled the nerves of the noble Roman, followed him as a portentous shadow through the great fight at Phillipi, and appalled him into a defeat.

While the writer admits his implicit belief in the theory that Brutus was an insane man when he struck down his bosom friend with an assassin's dagger—and rose

"Refulgent from the stroke of Cæsar's fate;"

nevertheless, there is an opposite theory—as evinced to a certain extent, in the peculiar mental organization of some of the greatest men of which history has any knowledge.

The object of the writer of these papers must not be mistaken—as it is not intended to be disguised—it is *not* to make a defense for Guiteau—but to ventilate the subject in the broadest sense; and therefore he feels at liberty—as in duty bound for the entertainment of his readers—to give a glance at both sides of the argument on this much absorbing and interesting question. No man is entitled to be called a good lawyer, or to be considered a master of the art of advocacy, unless he be able to make a good side of either on any disputed question. This

proposition is the result of the infinite variety of cases ; of the facts composing cases : and of the shapes of logical syllogisms as directed, propounded and enforced by forensic ingenuity.

### THE HALLUCINATIONS OF GREAT MINDS.

Socrates had his *dæmon*, a mysterious apparition, a phantom of the brain, which controlled, to a certain extent, all the actions of the life of this great philosopher.

Mahomet had his cave and his angel—an Arabian *Egeria*—from whom he received, as he asserted, divine revelation; as did the old Roman king Numa, before him. It will not do to visit insanity upon the man who brought about so prodigious a revolution, and whose system of religion has survived the test of thirteen centuries. His was a fanaticism, unrestrained by fear, and supported by an intrepidity sublime. He was too great to be called a knave; too diminutive to be accepted as a prophet, (with us) but he was a man, the like of whom this world seldom sees.

St. Dunstan declares that he had had a personal conflict with the devil, and that he had vanquished his ignipotent foe by pinching his nose with the fire tongs! St. Dunstan was a strong-minded man.

Martin Luther insisted that the devil visited him in his study and in his bed! he saw him with the *bodily eye*, and heard him with the *bodily ear*.

Sir Matthew Hale believed in the existence of witches and witchcraft. It would seem marvelous that so great a judge should have labored under so shameful a delusion, but for the fact that such was the common belief of the age, and was so recognized by the laws of the land.

Napoleon Bonaparte made war, won victories, dismembered empires and scattered crowns under his implicit belief in the happy influence of the *star of his destiny!* On one occasion, it is said, that one of his generals entered his tent, and saw the Emperor standing in an attitude of dignified, not to say imperial, abstraction—with his face turned towards the heavens. The officer with difficulty attracted attention. The Emperor without changing his attitude, but pointing upward still in his absorbed manner exclaimed: “Look there! do you not see her! how bright and brilliant She is! She is before you! She promises victory! She has never abandoned me! I have seen Her on every great occasion! She tells me to go on! and She is always the sign of good fortune!”

Dr. Ray a distinguished writer on medical jurisprudence p. 166. remarks, having noted some of the foregoing incidents, “these hallucinations are quite consistent with soundness of mind. They indicate not insanity, but casual and temporary conditions of the brain, prevalent modes of belief, superstition, credulity and love of the marvelous.”

The assassination of Cæsar had not the effect of setting an example to be speedily followed; on the contrary, under Augustus, the peaceful Goddess of Literature prevailed for a considerable time. Assassination did not grow into a prevailing epidemic until towards the end of the first century; when in the space of fifty years, there may be reckoned as many Imperial assassinations. It grew into fashion, and the story of the times is one continuous and slippery stepping from the cottage, or the ranks to the throne and from the throne to the grave. The Scythian peasant and the Arabian robber, in turn passed through the sanguinary ordeal.

But the King-killers did not always aim their daggers at imperial hearts; sometimes the *minister* of state is selected as the victim. Passing rapidly over the history of ages, we come to times with which we are more intimately and nearly connected.

The Romans passed into England; Some imperial assassinations occurred there, of which we make no particular note. But next to Cæsar's we take as the most stupendous event of modern times the

#### ASSASSINATION OF THE DUKE OF BUCKINGHAM.

GEORGE VILLIERS, Duke of Buckingham, was the favorite of James the First and the PREMIER of Charles the First. He was not an Imperial but an imperious man. It was in times of great political turbulence in England when he met his fate.

The King and the Parliament were at war; and Charles was walking blindly and with rapid strides into the toils of the republicans. Cromwell and his party were not yet above the horizon.

Buckingham had become so unpopular that he was considered dangerous to the state. He was utterly disregardful of public opinion, and took no pains either to acquire popularity or to appease the clamours of his foes. When warned by some of his friends to wear a coat of mail to protect himself from assassins, he replied : "There is no need; there are no more Roman spirits left." Personal dangers did not appal him. Slanders did not affect him. Yet the day of his destiny was at hand—and his fate took its shape in the person of a forgotten, *morbid* and *disappointed* man.

#### SOME ACCOUNT OF JOHN FELTON.

"He was the youngest son of an ancient family, in somewhat narrow circumstances; had been a lieutenant in a regiment of foot, in the expedition against Rhe. He was a man of great reserve; had risen from the ranks and was *silent* and *gloomy*. In person he was diminutive, with a meagre form, and a face rendered almost ghastly from the expression of that deep, habitual and apparently causeless melancholy, to which we have

given the term *morbid*." He seems to have carried into the camp, habits and characteristics more natural to the cloister.

#### FELTON'S PREPARATION AND THE ACT.

"He bought for ten-pence in a cutler's shop on Tower Hill, a knife—that instrument, the blow of which paralyzed England—and sewed the sheath into the lining of his pocket, so that he could at any time draw out the knife with one hand—his other *being maimed* and powerless. Being thus provided he watched in gloom and privacy (for he was very poor) the opportunity over which he brooded." \* \* \* \* "He set off for Portsmouth, and partly on horse-back and partly on foot, accomplished that journey. At a few miles from Portsmouth he was seen sharpening the fatal knife on a stone; he arrived at that city with the determination that should his scheme of assassination fail for want of opportunity, he would enlist as a volunteer in order to accomplish it eventually" \* \* \* \* "On entering the town, where the ghastly murderer stood unobserved amongst the crowd, there was too numerous a train about the Duke for Felton to reach him. Fearful of observation, he kept himself indoors one morning after his arrival, but on the next day repaired to the house where Buckingham was staying. The Duke was at breakfast, and little attention was paid by the number of visitors, to the *diminutive* being who was watching with his dark purpose amongst the unconscious crowd" \* \* When Buckingham came out from breakfast, it is very probable that he scarcely observed a small figure, which he may not have recognized, which was lifting up as he passed on, the hangings between the room and the ante-chamber—this was Felton. Buckingham, on his way, stopped an instant to speak to Sir Thomas Fryer, one of his colonels—who was a short man—so that in order to hear his reply, the Duke bent down his head somewhat. Fryer then drew back, and at that moment Felton striking across the colonel's arm, stabbed Buckingham a little above the heart! The knife was left in the body; the Duke by a sudden effort drew it out and exclaimed, "the villain has killed me!" pursued the assassin out of the parlor into the hall, when he sunk down, and falling under the table expired! In the confusion—after Felton had withdrawn, a hat into which a paper was sewn was found near the door; it was eagerly examined and some writing on the paper read with avidity, and these words were deciphered :

#### THE PAPER FOUND SEWN IN FELTON'S HAT.

"That man is cowardly, base and deserves neither the name of gentlemen nor soldier, who will not sacrifice his life for the honor of his God and safety of his Prince and country; let no man commend me for doing it, but rather dis-command them-

selves ; for if God had not taken away our hearts for our sins, he could not have gone so long unpunished.

JOHN FELTON.

Midst the confusion consequent upon such an event, and while the crowd were enquiring for the owner of the hat, a man without a hat was seen walking with perfect composure up and down before the door! "Here," cried one of the crowd, "is the man who killed the Duke"—upon which Felton calmly said :—  
"I am he, let no person suffer that is innocent."

Then the populace rushed upon him with drawn swords, to which Felton offered no resistance \* \* \* he was, however rescued from the mob—a circumstance which was thought very fortunate.

The defense of insanity was not made in Felton's case. In fact, the English criminal judicial procedure of that day, had not admitted the plea of insanity excepting in cases of absolute idiocy or raving madness. It was nearly two centuries later that, under the plastic hand of Erskine, this humane plea acquired shape, force and respectability.

Nevertheless, we may enquire with profit into this very eventful case—for there are here many circumstances in perfect parallel with some of those in Guiteau's case.

#### HAD FELTON A MOTIVE?

"To this day, indeed, there has been found no adequate motive for the deed which Felton long contemplated in the depths of a soul that never gave utterance to its joys or sorrows, and exchanged no sympathies with others." \* \* \* \* The origin of this dark deed however, has been referred to a *disappointment* in Felton's military career. This he subsequently denied by saying that the Duke had always treated him with *respect*. Whilst at Rhe, Felton's captain having died, he applied naturally to Buckingham for *promotion*, but the company was given to another lieutenant, a man of great bravery—and Felton himself acknowledged the justice of the preference."

In this circumstance at least, we have room for a reasonable conjecture, that something in the nature of rancor might have grown up in Felton's mind. Again we are told :

"In his native county there was a certain knight whom the Duke had lately favored—and between this individual and Felton, there had been ancient quarrels not yet healed." This explanation seems to have been rejected : and we are to look more to Felton's own acts and expressions for the real solution than to any other source.

"Three hours before his execution Felton alleged that the *book* written by Dr. Egglesham, King James' Scottish physician, in which the Duke was portrayed as one of the foulest monsters

upon earth, unfit to live in a christian court or even within the pale of humanity, had a great effect upon his mind, in inciting him into what he deemed an act of *heroic virtue*. The fact indeed it is plain, was that his *religious convictions* had an all-powerful influence on his judgment which was warped by the gloomy bigotry which casts a shadow over the noblest and most encouraging hopes of the christian. The tenor of this unhappy man's life had been marked by seriousness and religious observances—but it was the religion which condemned all who differed; the religion not of love, but of self-righteousness and hatred.

In the political turbulence that prevailed at this time—"the COMMONS drew up a Remonstrance addressed to the King in order that the *too great power* of Buckingham might be diminished." This and other subjects agitated in and out of Parliament, aroused Felton. \* \* \* "He stated indeed, that the idea of assassination, which he had repelled by stern efforts of conscience, was *revived* when he read the *remonstrance*"

\* \* \* "all this tended to strengthen Felton in the conviction that the Duke was a traitor and oppressor whom any patriot would do well to assassinate."

"He read works which maintained the lawfulness of ridding the nation of an oppressor; and the voice of conscience was heard no more. A false *heroism* was thenceforth the specter that lured him onward. The writers of the day swayed his mind. Never was there a more prominent exemplification of the responsibility of a writer, than this man's crime." \* \* \*

#### FELTON'S PENITENCE.

"On stating to him (in the tower,) that he had no mercy on the Duke, the King had so much compassion on his soul as to give directions to send Divines to draw him to a feeling of horror of his sin, he fell upon his knees with humble acknowledgements of so good a grace to him. Throughout he confessed his offence to be a fearful and crying sin, attributed it upon his soul, to the *Remonstrance*. He denied that any creature knew of his resolution but himself, and requested that he might do some public penance before his death, in sackcloth, with ashes on his head and in ropes."

Thus we see that all the pretended romance of this degraded character subsides, and the most abject phase of poor humanity, in the shape of remorse, takes the place of ideal heroism.

Buckingham's was a political assassination. It is not necessary to inquire minutely as to what party Felton belonged. He professed to have done the deed to save his *Prince* and his *country*—and it is perhaps well to consider that the idea prevailed that the *Minister had such power and influence over King Charles as to lead the King into the great errors he was committing*—and hence, LOYALTY might have entered into

Felton's motive to a certain extent. That he was a fanatic in religion as well as polities, is well known--and he was also the victim of religious bigotry.

#### BUCKINGHAM'S POWER.

The history of the times informs us that "During Buckingham's presence in Court he reigned there as the King's absolute and single minister. Every act of the Government passed by or through his will. The King was little seen or heard of in state affairs. He seldom ever attending a sitting of the Privy Council except to carry out some object of his favorite."

Let us here pause a moment over some of the more minute incidents of this stupendous event.

"Buckingham had completed his thirty-sixth year—that period which has been marked by a great writer as the departure of youth."—[Student.]

#### HIS SUPERSTITION.

Although reckless of dangers his mind was evidently, at this time, *under a cloud*. "It was the age of omens and other superstitions," "and supernatural warnings were not wanting to heighten the effects of the tragedy." "The day before he was assassinated, the Duke being ill, Charles the First visited him while in bed. At the parting, Buckingham embraced the King in a very unusual and passionate manner; and he also showed great emotion on taking leave of Lord Holland, as if *his soul had divined he should see them no more.*"

#### THE PAGEANTRY.

King Charles' first office was to honor the remains of his illustrious minister. "The process of embalming the body was then deemed indispensable. The Duke's body was therefore submitted to that, [1628] happily now, disused operation." \* \* "The corpse was then conveyed to York House where all that could be viewed of that once noble form was exhibited underneath a hearse. Eventually it was entombed under a splendid monument in Westminster Abbey.

#### EFFECT OF THE DUKE'S DEATH ON THE MULTITUDE.

"The King took the Duke's death very heavily, keeping his chamber that day: but the base multitude in the town drank Felton's health, and these were infinitely more cheerful than those of better degree." \* \*

*Note.*—The following incident is recorded by Mrs. Thomas in her life of Buckingham, [Vol. III, p. 118.] It will be certainly not with-

In order that the reader may work out the analogies between Felton and Guiteau, to his own satisfaction, we select and print some of the items that it is supposed will assume the shape of testimony in Guiteau's case.

Felton, we are told, was a man of "*mélancolie, sad and of few words,*"—“he labored under debts and disappointments.” He was a solitaire, utterly selfish and abandoned to gloomy cogitations. He was a religious fanatic. To what extent Guiteau fills this bill, the reader must form his own opinion.

The following letter may be read in comparison with the paper found in Felton's hat. It was taken from the prisoner's pocket at police headquarters :

“JULY 2, 1881.

*“To the White House:*

“The President's tragic death was a sad necessity, but it will unite the Republican party and save the Republic. Life is a flimsy dream, and it matters little when one goes. A human life is of small value. During the war thousands of brave boys went down without a tear. I presume the President was a Christian, and that he would be happier in Paradise than here. It will be no worse for Mrs. Garfield, dear soul, to part with her husband this way than by natural death. He is liable to go at any time. He had no ill-will toward the President. His death was a political necessity. I am a lawyer, a theologian, and a politician. *I am a stalwart of the stalwarts. I was with General Grant and the rest of our men in New York during the canvass.* I have some papers for the press which I shall leave with Byron Andrews and his co-journalists, at 1420 New York avenue, where all the reporters can see them. I am going to jail.

CHARLES GUITEAU.”

#### Guiteau's Letter to General Sherman.

**To General Sherman :**

I have just shot the President. I shot him several times, as out interest to those who sympathize with the fall, and who are partial to the memory of this unfortunate King. In this scene the emotions and the dignity of the King are all subordinate to the holier proprieties of religion:

“He was at prayers when Sir John Hipplesley come suddenly into the chamber where service was that day performed, and whispered the news to his majesty. *Charles did not permit a single feature of his face to express either astonishment or distress!* and when a deep pause ensued, the appalled chaplain thinking to spare His Majesty the distress of remaining during the service, the King calmly ordered him to proceed with the service, and until after they were concluded preserved the same undisturbed demeanor. \* \* \* No sooner was the service over when he suddenly departed to his chamber and throwing himself on his bed, gave full vent to passionate grief and weeping.”

I wished him to go as easily as possible. His death was a political necessity. I am a lawyer, theologian, and politician. *I am a Stalwart of the Stalwarts. I was with General Grant and the rest of our men in New York during the canvass.*

I am going to jail. Please order out your troops, and take possession of the jail at once. Very Respectfully,

CHARLES GUITEAU.

Upon the two foregoing papers and the facts therewith connected, the ingenious mind may build its own theories. There is scarcely a word in either of these remarkable documents, which is not in the highest degree suggestive. But we forbear to elaborate the argument, and will not here enter into the more minute details.

From facts and circumstances which have transpired since the occurrence, it is evident that Guiteau's assertion, as repeated above in the two letters, *to wit*: that he "was with General Grant and the rest of our men," etc., etc., was a grotesque fabrication of his own—conveying with it, as it did, the idea that he was on terms of social and political fellowship, and was regarded by them as an important personage.

It turns out, in fact, that he was an unwelcome hanger on—an obtruder, and an impudent pretender; and as one suspected of co operating with the democrats, and of political double dealing generally. But, as this assertion is the more fraudulent so it is the more significant; it is an indication of an inordinate self-esteem, and it develops the brain *as on a bender*, so to speak—an imagination on stilts. This is *astromania*, to the existence of which we may trace Guiteau's aspirations for the French and Austrian missions, as well as his attempts at great social and matrimonial alliances, and his habit to try to attract public attention and to gather audiences to listen to his lectures.

#### GUITEAU AT A WASHINGTON BOARDING HOUSE.

"He appeared to have a cat-like tread, said one of the boarders, and walked so easily that he was always up alongside of persons before they knew it. Mrs. Lockwood states that he acted strangely at times, and about the middle of the month, when she presented her bill, he could not pay it. He afterward left the house and sent Mrs. L. a note stating that he was expecting a \$6,000 position, and would soon pay his bill. Mrs. L. showed this note to General Logan, who said the man was crazy. A short while after this occurrence he met Mrs. Ricksford, of Mrs. Lockwood's boarding-house, on the street and requested her not to say anything about the bill he owed, as it would hurt him in his efforts to secure a position.

"Mrs. Lockwood said that Guiteau was a great bother to General Logan, so persistent was he in his efforts to secure that gentleman's influence in his behalf.

"He told one of the boarders at Mrs. Lockwood's that he expected to be appointed minister to France, but did not desire it to be known."

The instantaneous conclusions of great minds, deeply conversant, by observation and experience, with the affairs of men, accustomed to study the emotions and to detect the secret sources of action, especially in the strategies of politicians—the instantaneous conclusions of such minds are always of great significance; and hence we are disposed to pause a moment over the item above noted, that General Logan, when he read Guiteau's note to Mrs. Lockwood, exclaimed : "the man is crazy." Here the ponderous mind jumps at once to the inevitable conclusion : upon this state of facts, the man is crazy. Such was the utterance of this distinguished senator. It should not be without great weight.

In this connection we cannot forget the emphatic expression of Mr. Secretary Blaine—of the same import, a day or two after the shooting; uttered without hesitation, and prompted much by generous indignation at the idea that this atrocity should be visited on any one excepting the solitary perpetrator—the man was crazy.

#### A GLIMPS OF HEREDITARY INSANITY.

A National Republican reporter learned from Mr. J. O. P. Burnside the following particulars :

"I knew him when he was a baby in his mother's arms. His father, L. W. Guiteau, was an old resident and respected citizen of Freeport, Ill., where he has held many offices of trust. Some years ago *he became deranged* on the subject of perfection, and lectured extensively through the North and West on that subject. He married a very beautiful woman, with whom and the younger children he joined the Oneida community. He afterward returned to Freeport, where, from 1864 up to last September, the time of his death, he served as Cashier of the Second National Bank.

"Charles Julius Guiteau, who to-day is in jail for the murder of the President, was an odd boy ; he appears to have been the only one of the children *tainted with his father's eccentricities*. When the family left the Oneida community Charles, then fifteen or sixteen years old, was left behind. He afterward went to Chicago, where he studied law, being cared for and supplied with money by his father.

"After completing his studies Guiteau went to Europe, where he traveled for several years, imbibing socialistic and other eccentric doctrines.

"A few years ago he returned to this country and lectured on the second advent of Christ. He published a pamphlet on the subject, in which the egotism of the man was plainly shown.

He spoke of himself as a messenger of God to announce his coming. His Lecture in Lincoln Hall two years ago on this subject was a failure.

"From what I knew of the boy, his education in the Oneida community, and his utterances on religion, I was not at all surprised at his committing this act."

#### GUTEAU'S MOTIVE AS DERIVED FROM AN INTERVIEW WITH GEORGE SCOVILLE, HIS BROTHER-IN-LAW.

The reporter called on Mr. Scoville, and, in reply to a question, he said : "Yes, I had a long talk with Guiteau this afternoon. I questioned him as to his motive for his awful deed, and what he expected to accomplish by it. I have known Guiteau for about thirty years; he lived in my family for some time. I know his bent of mind and all about him, and this knowledge leads me to believe that the man is insane. Director of the Mint Burchard, who is a Freeport man, knows Guiteau, and says the same thing about him. His peculiar characteristic is religious insanity."

Reporter—What was your purpose in seeing him to-day?

Scoville—I wanted to ascertain, I suppose as well, as every other member of the community does, if he had any accomplices. I was satisfied before I saw him, however, that he had not. He is so intensely egotistical that he would not work under any one, or allow any one to dictate or to control him. Imperiousness is a distinct trait of his character.

Reporter—Had he asked any of your family for money recently?

Scoville—He has not for some years. The last money he got was from his sister, my wife, three years ago.

Reporter—Did he dwell particularly upon the revelation that he had to kill the President?

Scoville—Yes. He told me that he began to think of it from the next morning after he had thought of it in bed. He said that he then tried to get at the pulse of the American people on the subject. *He cut out a number of newspaper slips* bearing on the subject of the split in the Republican party, and these, with a written statement of his own, he sent to Attorney-General MacVeagh. He complains bitterly that these have been withheld from the people, and said to me that he was satisfied if the American people could get hold of his reasons for killing the President and understand them thoroughly his action would be applauded in less than thirty days. I asked him if he did not apprehend serious results to himself from his mad act. He replied that he had not given himself a moment's thought in the matter. Said he: "I did not attempt to kill the President on account of any malice or ill-feeling that I had toward him. I did it for the good of the country, and the salva-

tion of the country, which was at stake, just as I would have shot a rebel during the late war." I replied that the people did not so regard his action, and I said: "Suppose you are put on trial and convicted of murder?" "Oh!" said he, "in that case the Stalwarts will look out for me and take care of me. I am one of them."

Reporter—He evidently thinks himself a man of considerable importance?

Scoville—Yes; he has a high idea of his own importance. If at any time General Grant or General Arthur, or any other high official, had ever shaken hands with him he would immediately have felt himself to be their equal and deported himself accordingly. He said to me that he did not know but that MacVeagh had some feeling against him, and therefore had refused to print his communication because he had favored Emory A. Storrs for Attorney-General.

Reporter—Has Guiteau been in the habit of carrying a pistol—or going armed?

Scoville—He told me he never handled or shot a revolver before purchasing this one. After he had got it he went down to the river bank and practiced with it; that when he fired it off it made such a loud report that he did not practice any more. I then asked him if he supposed that when he fired at the President his shots were fatal. He answered yes, that he thought he had killed him or he would not have quit firing.

Reporter—Did he come here with any money?

Scoville—No. Occasionally he made a little money in soliciting life insurance, but generally he would borrow money from entire strangers. Such a thing as an obligation to pay a debt never weighed on his mind. When he was asked why he did not pay his debts, he would reply: "I gave him my note, and that settled it."

Reporter—Do you think he is really insane?

Scoville—Yes. At the bottom of all his strange behavior he has a deep vein of religious fervor. He has been insane on religious subjects for fifteen years. At one time he proposed to start a religious paper, which was to be a revelation to the religious world. He got out the prospectus, and that was the end of the scheme.

Reporter—Did you ever know him to be violent in his manner toward people—ever know him to harm any one?

Scoville—He was always inoffensive, except in one instance, *when he raised an axe on his sister, my wife, three years ago.* We then had a consultation about putting him in the asylum, but gave up the idea, as that was the only instance of his violence known."

#### GUITEAU'S APPLICATION FOR THE AUSTRIAN MISSION.

We are told that when the late President read Guiteau's application for the Austrian Mission, he muttered something like:

"audacity;" if the word was not accompanied with some emphatic epithet, it must be put down to the President's forbearance. But this word was perhaps the right one—under the circumstances.

It will not do to say that Guiteau's application for the Austrian Mission is evidence of insanity. If such aspirations from such quarters should be considered evidence of insanity, then half a million of American slang-whanglers would be liable at once to be assigned to Bedlam—for there is hardly a village in the Union that does not contain a number of persons—who in their own estimation, are quite equal to such a position, and would smilingly accept such a place as the reward of political service and recognized merit.

But there is one other piece of evidence in this line, that adds greatly to the significance of the application for the Austrian Mission, and that is found in the following statement :

#### GUITEAU'S IDIOSYNCRACIES.

Mr. Francis Wayland Smith, of the Oneida community, gives the following interesting statement regarding Guiteau's conduct when a member of that community :

"He was extremely erratic and his egotism was so great that it was really a phase of insanity. His mind was disordered continually with hobbies of all sorts and descriptions; for instance, when here he was a member of our debating society. In his style of debate he was original always, or tried to be. When his turn came to speak he would rise and say, 'As the honorable gentleman has brought nothing worthy of rebuttal he has nothing to rebut.' Another characteristic was this: In directing packages he would write 'C. O. D.' and then 'On delivery' right after the letters. Once in a lecture he prepared for our evening exercises he had written in these words in the manuscript: 'If the audience will now excuse me I will take off my coat.' He used to work now and then in our trap factory; he marked the goods for shipping in large, beautiful letters. One of his many idiosyncracies was to mark a large card with this inscription:

CHARLES J. GUITEAU,

Premier of England,

WILL DELIVER A LECTURE IN

ST. JAMES' HALL, LONDON.

"This he kept fastened to the wall before him. He imagined himself some great dignitary or other all the time. Fame and wealthy stations filled his thoughts by day and night."

Here we have clearly developed the intellectual tendency towards over-self estimation very many and long years ago. It is fair to presume that he was then quite competent in his own estimation, to be PREMIER OF ENGLAND! and this or some other great position has become, in the course of time, really a part of his intellectual organization.

**A LETTER FROM GUITEAU'S FATHER, 1873.**

The following is an extract from a letter dated March 30, 1873, from the father of the assassin to John W. Guiteau, his brother, in Boston, in which he refers to Charles as follows : "I have been ready to believe him capable of almost any folly, stupidity or rascality. The one possible excuse that I can render for him is that he is insane. Indeed, if I was called as witness upon the stand I am inclined to think I should testify he is absolutely insane, and is hardly responsible for his acts. My own impression is that unless something shall stop him in his folly and mad career he will become hopelessly insane and a fit subject for the lunatic asylum. Before I finally gave him up I had exhausted all my powers of reason and persuasion, as well as other resources, in endeavoring to control his actions and thoughts, but without avail. I found him deceitful and he could not be depended upon in anything ; stubborn, wilful, conceited, and at all times outrageously wicked, apparently possessed of the devil. I saw him once or twice when it seemed to me he was willing to do almost anything wicked he should take a fancy to. You will remember perhaps at the last conversation we had about him I told you to keep clear of him and not have anything to do with him. Should anybody ask about him now I should be compelled to say to them that I thought he was insane, or at least a monomaniac, and should there leave it and say no more about him. His insanity is of such a character that he is as likely to become a sly cunning desperado as anything. Could I see him I might possibly make another and vigorous effort to change the whole channel of his thoughts and feelings. If I could not do that I should have no hope whatever of being able to do him any good. I made up my mind long ago never to give him another dollar in money until I should be convinced he was thoroughly humbled and radically changed. I am sometimes afraid he would steal, rob or do anything before his egotism and self-conceit shall be knocked out of him, and perhaps even all that will not do it. So you see, I regard his case as hopeless, or nearly so, and of course, know no other way but to dismiss him entirely from my mind and leave him in the hands of his Maker, with a very faint hope that he can be changed either in this world or the next."

There is no rule of evidence by which this letter could reach the jury in Guiteau's trial; nevertheless we do not think it out of place here. The reader can give it whatever credence he pleases. There is a blank despair about it which excludes the idea that it is any thing else than a frank and gloomy expression of the father's opinions.

**GUITEAU'S MOTIVE, STATED BY HIMSELF TO THE PEOPLE.**

The following is said to be the substance of one of the papers

left by Guiteau at the news stand just before the shooting, as substituted by him to Mr. Scoville :

WASHINGTON, JUNE 16, 1881.

**TO THE AMERICAN PEOPLE:**

"I conceived the idea of removing the President about four weeks ago. I conceived the idea myself and kept it to myself. Not a soul in the universe knew of my purpose to remove the President. It was my own conception and execution. I read the papers carefully for and against the administration, and gradually the conviction settled on me that the President's removal was a political necessity, because he proved a traitor to the men who made him, and thereby imperiled the Republic. At the last presidential election the Republicans carried every Northern State. To-day, owing to the misconduct of the President and his Secretary of State, they could hardly carry one. They certainly could not carry New York, which is the pivotal State. Ingratitude is the basest of crimes. That the President, under the manipulations of his Secretary of State, has been guilty of the basest ingratitude to the stalwarts admits of no denial. The express purpose of the President has been to crush General Grant and Senator Conkling, and thereby prepare the way for his re-nomination in 1884. In the President's madness he has wrecked the once grand old Republican party, and for this he dies. The men that saved the Republic must govern it and not the men who sought its life. I have no ill-will towards the President. This is not murder, it is a political necessity. It will make my friend Arthur President, and save the Republic. Grant during the war sacrificed thousands of lives to save the Republic. I have sacrificed only one. I shot the President as I would a rebel if I saw him pulling down the American flag. I leave my justification to God and the American people."

CHARLES GUITEAU."

Two days after he made the following addition to his letter :

WASHINGTON, D. C., JUNE 18, 1881

"I intended to remove the President this morning, and went to the Baltimore depot, but he came into the depot with Mrs. Garfield leaning on his arm, and I concluded to remove him when he was alone. It will be no worse for Mrs. Garfield, dear soul, to part from her husband in this way than by natural death. He is liable to go at any time, anyway."

CHARLES GUITEAU."

Another postscript read as follows :

WASHINGTON, D. C., JUNE 20, 1881.

"The President's nomination was an act of God. The President's election was an act of God. The President's removal is an act of God. I am clear in my purpose to remove the President. Two objects will be accomplished : It will unite the Republican party and save the Republic, and it will create a great demand for my book, "The Truth." This book was writ-

ten to save souls and not for money, and the Lord wants to save souls by circulating the book.

CHARLES GUITEAU."

#### THE METHOD OF MADNESS.

That never-to-be-forgotten phrase, used by the wise old Polonius in reference to Hamlet, "There's method in his madness," is a most insidious expression as it is usually applied, carrying with it, as it does, the suggestion of simulation : in other words, it means : *that madness is feigned*.

Amongst the circumstances and papers, written and printed, which will probably go before the jury in Guiteau's case—embracing his plot and preparation, and more especially the paper last above quoted as of June 16, there will be abundant material affording to the acute advocate a boundless field for ingenious and learned exposition. We take occasion here to make an effort to disabuse the public mind of the vulgar idea, (too prevalent for fair investigation excepting amongst judicial minds) that the *forming* of ingenious plots, stratagems and designs for the perpetration of crime, is such evidence of a sound mind as to *rebut* the existence of insanity. We have the scientific opinions of the most learned and experienced writers on the subject of medical jurisprudence, to the contrary of this : as well as a number of well authenticated judicial ascertainties ; amongst which latter is the case of Billman, (a Pennsylvania case) already referred to.

Authorities agree, that a man may be insane on one subject alone, and be very rational on all others. A man insane on one subject, may write and speak sensibly—even eloquently on other subjects. It is said of an eminent physician, now in one of our insane hospitals—a man well and most kindly known in this community—that he converses rationally on all other subjects, but *insists that he is the American Minister to England!* This is a case of *astromania*; an *irrepressible self-exaltation*: "*sic iter ad astra.*"

Dr. Ray in his most excellent Book on Medical Jurisprudence has many valuable observations amongst which we find and quote as follows :

"In no school of logic, in no assembly of the just, can we listen to closer or shrewder argumentations, to warmer exhortations to duty, to more glowing descriptions of the beauty of virtue, or more indignant denunciations of evil doing, than in the hospitals and asylums for the insane. And yet many of these very people may make no secret of entertaining notions utterly subversive of all moral propriety, and perhaps are only waiting a favorable opportunity to execute some project of violence. The purest minds cannot express greater horror and loathing of various crimes, than madmen often do, and from precisely the same causes. Their abstract conceptions of crime,

not being perverted by the influence of disease, presents its hideous outlines as strongly defined as they ever were in the healthiest condition ; and the disapprobation they express at the sight, arises from sincere and honest convictions. The *particular* criminal act, however, becomes divorced, in their minds, from its relations to crime in the *abstract* ; and, being regarded only in connection with some favorite object, which it may help to obtain, and which they see no reason to refrain from pursuing, is viewed, in fact, as of a highly laudable and meritorious nature. Herein, then, consists their insanity ; not in preferring vice to virtue, in applauding crime and deriding justice, but in being *unable to discern essential identity of nature*, between a particular crime and all other crimes, whereby they are led to approve what, in general terms, they have already condemned." *Ray*, 289, § 17.

#### SYSTEMATIC DESIGN AND CONTRIVANCE.

Another test proposed, and upon which considerable reliance has at times been placed, is the *design* or *contrivance* manifested in the commission of the act.

Billman (1 *What. Cr. L.* 31) invented and hung at his cell window, a noose, which caught his jailer and came near strangling him. He afterwards killed the same jailer. He killed his father, was tried and acquitted—through an *alibi* which, as he stated afterwards, he had plotted beforehand most effectually.

In the case of *Arnold*, great stress was laid on the fact of his having purchased shot of a much larger size than he usually did when he went out to shoot, with the design, then formed, of committing the murder he afterwards attempted.

In the case of *Bellingham*, the Attorney General declared, that "even if insanity in all his other acts had been manifest, yet the *systematic correctness* with which the prisoner contrived the murder, showed that he possessed a mind at the time, capable of distinguishing right from wrong." The sufficiency of this as a test, can be best settled by referring to the opinions of those who have a practical acquaintance with the insane. *Dean Med. J.* 541,

"What," says *Dr. Ray*, page 37, § 21, "must be thought of the attainments of those learned authorities in the study of madness, who see in the power of *systematic design* a disproof of the existence of insanity, when, from the humblest menial in the service of a lunatic asylum, they might have heard of the ingenuity of contrivance, and adroitness of execution, that pre-eminently characterize the plans of the insane?"

"This power of *systematic design* is, when analyzed, nothing but the *sentiment of cunning* developing itself by means of *intellectual combinations*. The sentiment itself is a primitive power or faculty of the mind, and is of a low order, in fact, a mere animal instinct, being found in the brute creation. It is one

of those powers that are generally found especially active among the insane. Very extraordinary incidents are given, in works on insanity, going to show the very great extent to which this faculty has developed itself among that unfortunate class of individuals. See *Ray*, 39-40, § 21.

May we not assume that it is, indeed, the mind inventive that is the most liable to be dethroned? We read of a mad French General who invented a gun which was adopted by the army: and we hear of men in pursuit of the perpetual motion striking out most valuable inventions. The search after the philosopher's stone has crazed its thousands, but it has still had its valuable uses.

Some of the sentences in Guiteau's writings and letters above printed, are compact, good English; but in the hands of an expert in language and words and English composition, the whole will be apt to fall under the term—*incoherent*. The question will be, throughout all these papers—or through any one taken separately as a whole—is there not a vein of mental disease apparent and unmistakable?

Leaving the reader to draw his own inferences and conclusions from the foregoing papers, to which others may be added hereafter, we pass over nearly two centuries of English history from the death of Buckingham; and in 1811, in London, we find ourselves face to face with another terrific scene of the same bloody and appalling character, quite equal in atrocity and horror, and as wide-spread of public consternation.

#### ASSASSINATION OF PERCEVAL, PREMIER OF ENGLAND, 1811.

This is taken from JORDEN's gallery of distinguished persons, as given by an eye witness:

"On Monday, the 11th of May, 1811, Mr. Perceval fell by the hand of an assassin, in the lobby of the House of Commons. I had ascended the stair which leads to the folding door of the lobby, and was about to push it open for myself, when, turning partly round, I saw the Premier mounting the steps immediately behind me. I bowed to him, and was saluted in return with that benevolent smile which I was so instantly destined to see effaced forever; for, as I held back the door on the right to allow the precedence of entering, the mortal bullet was sped by the villain, who had (as was afterwards proved) long stationed himself on the spot to watch for his victim, and commit this unholy murder. It was an extraordinary fact, (and I leave it to be explained on any system of moral or physical sensation,) that though so near Mr. Perceval at this moment that I could have touched him, and if the ball passed through him it must have struck me, yet I did not hear the report of the pistol, but only saw a wreath of smoke mount from the place. In the first con-

fusion, indeed, no one of the many individuals present precisely knew what had really happened, and it was the fall of the martyr of assassination only, that developed the nature of the atrocious deed. On receiving the wound, the unfortunate gentleman fell almost back towards his left, against the angle formed by the door and the wall, exclaiming very faintly, ‘*O God!* or *O my God!*’ the last words he ever uttered : for immediately, as if moved by an innate impulse to seek for safety in the House, he made an effort to rush forward, but merely staggered a few paces, and dropped down on the spot, in the midst of the four pillars.

“This was the dreadful work of not more than fifteen seconds, and, during the same period, (having first run forward to render any assistance to Mr. Perceval, in which I was anticipated by the instant interposition of the parties I have just mentioned,) my attention was directed to the assassin by a gentleman pointing out Bellingham, and exclaiming, ‘That is the murderer!’ He had, with apparent calmness, retired from the fatal spot and was sitting down upon the bench on the hither side of the fireplace, when I arrested him by the collar. This was no act of which to be vain, for he *neither offered resistance*, nor *seemed* for a time to regard what was passing about him. His breast was stripped open, and a second pistol (loaded,) and other things were taken from his person. Of these, the manuscript copy of his Petition of Grievances in Russia, and the want of redress for which led to his insane revenge, is in my possession. I also possess a common-looking, but powerful opera-glass, found upon him, with which he had, *on several preceding nights, made himself acquainted with Mr. Perceval’s personal appearance, from the gallery of the House of Commons.* Bellingham, with his breast exposed, and now extremely perturbed, was in a state of great excitation when General Gascoyne appeared, and recognized him as a man he knew, from having seen him at Liverpool. No words, indeed, can picture his frightful agitation : large drops of agonizing sweat ran down his pallid face, (I am not exaggerating in this description of extreme human emotion, when I declare, that the former resembled rain-drops on a window in a heavy storm, and that the latter was of the cadaverous hue of the tomb;) and, from the bottom of his chest to his gorge rose and fell a spasmodic action, as if a body as large as the hand were choking him with every breath. Never, on earth, I believe, was seen a more terrible example of over-wrought suffering : yet in language he was perfectly cool and collected. Some one came from the Speaker’s room, and said, ‘Mr. Perceval is dead ! Villain, how could you destroy so good a man, and make a family of ten or twelve children orphans?’ To which he feelingly replied : ‘I am sorry for it.’”

The annexed is a copy of the concluding prayer of Bellingham’s petition—taken from his person :

"As your Petitioner presumes it would be only right for him to be renumerated his losses and receive a compensation for his personal sufferings, as may be just and proper.

And your Petitioner, &c.

(Signed)

JOHN BELLINGHAM.

London, 21 Jan. 1812.

"Upon this document it is remarkable to observe, that the date is 1812—whether a mistake, or an *indication* of insanity, it is difficult to imagine."

#### SOME ACCOUNT OF BELLINGHAM.

Bellingham (1 Col. on lunacy,) was tried for the murder of Honorable Spencer Percival, in 1811. He appears to have labored under many insane delusions. The principal of these were that his own private grievances were national wrongs; that his country's diplomatic agents abroad neglected to hear his complaints and assist him in his troubles; that his losses should be made good by the government; that the government would not interfere with his affairs; and he determined, by assassinating its head, to bring his affairs before the country, supposing then he would have an opportunity of making a public statement of his grievances and of obtaining a triumph over the attorney-general. These were all delusions, and under their influence he shot the Prime Minister, Spencer Percival.

Bellingham's trial was a judicial atrocity. Within seven days, including the day of the shooting, he was tried, convicted, executed—and his body laid on the dessecting table! The public consternation in the streets, took the shape of judicial ferocity in the court house. The cry of revenge arose above the quieter admonitions of patience and justice.

"Bellingham's counsel," we are told, "fortified by strong affidavits of the prisoner's insanity, and that witnesses knowing the facts could be brought from Liverpool and elsewhere, applied in vain for a postponement of the trial. The attorney-general of that day barbarously, and even offensively, opposing the application which was, consequently at once, overruled."

In consequence of the hurly-burly manner of the trial of this case, it is not considered as of much significance in law. Apparently, it swept away the rulings in the Hadfield case, (1800) but not permanently. The universal feeling and sentiment of the bar in reference to Bellingham's trial, is one of disgust—that of the Bench is one of regret and humiliation.

Much has been written by the medical authors on the subject of Bellingham's insanity, with the general conclusion that he was not criminally responsible at the time: and hence the almost undivided feeling of condemnation of the precipitancy of his trial and conviction and of the ferocious manner of his execution.

### CURIOS PARALLELISMS.

Of the five notorious characters of whom we have been writing—Felton, Bellingham, Oxford, Lawrence and Guiteau, not the least curious fact is, that *not one of them made the slightest effort to escape*: on the contrary they absolutely courted or prepared for an arrest. Let us see:

When Felton, after he killed the Duke, was seen walking up and down before the house without a hat—some one exclaimed : “Here is the man who killed the Duke !” Felton calmly said : “*I am he; let no man suffer that is innocent.*”

Bellingham, after shooting Mr. Perceval, “with apparent calmness, retired from the fatal spot, and was sitting down on a bench on the hither side of the fire-place—he neither offered resistance, nor seemed for a time to regard what was passing around him.”

When Oxford, after he shot at the Queen, saw another arrested by mistake, he hastily said : “*it is me. I did it—I will go quietly.*”

When Guiteau was taken in charge, he said : “*Be quiet, my friends, be quiet—I want to go to jail.*” He had written his intention of going to jail, both to General Sherman and to the People—before he shot the President ; this, with the fact of his hiring the hackman to take him to the jail, is proof that he did not intend to escape.

Between Felton and Guiteau the striking resemblance is that they both claim *heroic virtue*: The one acted to save his PRINCE and COUNTRY as he asserted ; the other to re-unite his party and thereby to save the Republic. One of them broke down in prison, thus giving the lie to his ideal heroism, and confessing his deed as a great sin—as a mistake ; while the other adheres to his belief that the people will in the end justify him, and that his act was the act of God.

Between Lawrence and Bellingham the striking resemblance is that each made war on the heads of the Government—each having certain fancied grievances which it was the duty of the Government to redress, and that the Government refused the redress.

Between Guiteau and Lawrence there is one striking resemblance : irrepressible self-exaltation. The one thought himself entitled to the crown of England ; the other, to be a Plenipotentiary abroad, and at last to be President. But in the midst of this gloomy group Guiteau stands solitary and alone, in the general viciousness of his life-long career, and his utter insensibility to the common decencies and proprieties of life.

Oxford was comparatively a child. He is remembered more in sorrow than in anger, for he contended ever after his acquittal, and during his confinement in Bedlam that there were no bullets in his pistol, and that he fired at the panels of the queen’s carriage, *just to be talked about.*

## ASSASSINATION AND INSANITY,\* NO. III.

### GUITEAU'S CASE EXAMINED.

#### ASSASSINATION OF MARAT, 1793.

The sad story of Charlotte Corday will never be forgotten. Her case shows that the KING-KILLER is sometimes found in a woman. Jael and Judith are undying names, and the head of Holofernes displayed by the hand of a woman, the most delicate and beautiful, appears even more ghastly than if exhibited by the hands of a brutal soldier.

There is no question that Charlotte Corday was laboring under just that sort of delusion which the law now admits to be sufficient to establish irresponsibility in a case of killing. That one of her sex, especially one so gentle and delicate, should take upon herself the performance of so terrific an exploit, of itself is an indication of insanity, such an act being so out of the way of a woman's ordinary sphere. The coolness of her act and the determined character of her every step towards the consummation of her deliberately conceived design, is no rebuttal to the presence of insanity. Her real motive may never have appeared; the secret may have died with her; history may enquire in vain for an adequate cause, and conjecture may keep forever on the lookout to find the prompter of her dark design; but the fact that she took away a tyrant from his high place of bloody potency, has given her name and figure a prominent place among the immortals—a sister to Harmodius, and a twin with Judith.

Charlotte's fate was a sad one; her beauty had much persuasive power on her judges, but within *four* brief days, she killed—was tried (oh! mockery of courts) and executed!

France had no ear for a plea—no time for deliberation. The voice of the mob was never so potent as in that day and in that country.

It is, indeed, strange to reflect that the French philosophers *had just then developed* a moral tendency towards the shaping that *very plea* of insanity, which England, through Erskine, brought to perfection within seven years after Charlotte Corday's execution! This judicial amelioration took its start in France—but France was then herself intellectually *out of joint*, and was bent on what might be called a great national craze.

Charlotte Corday was a native of Normandy, and was the grand-daughter of Pierre Cornielle, the great tragic poet; she had the blood of genius in her veins; and her mind glowed with the high wrought images of the most romantic writers of France; she had an extensive acquaintance with the ancient classics, with a passion for such authors as Rousseau, Ragnal, and Plutarch. She is thus described by Lamartine :

"This young girl was then 24 years old. Her grave, serene, and collected beauty, although brilliant, seemed to have received a tone from this austere habitation and retired life. There was in her something of an apparition. Her hair seemed black when it was gathered in a mass round her head, or divided in two waves over her forehead. It seemed tinged with gold at the extremity of the tresses—as the ear appears darker and more brilliant than the wheat-stalk, as it stands in the sun. Her eyes, large and reaching to the temples, were of a color changing like the water of the sea, which borrows its tint from the shadows of day ; blue when thoughtful, black when animated. Long lashes, darker than her hair, gave depth and distance to her look. Her nose, united to the forehead by an almost imperceptible curve, was slightly raised towards the middle. Her lips were, with the utmost precision, portrayed by her Grecian mouth, the expression of which alternated equally, in a manner impossible to catch, between tenderness and severity, being capable of breathing the language either of love or of patriotism. Her chin, slightly raised, divided in two by a deep indentation, gave to the lower portion of her face an expression of masculine resolution, which contrasted with the feminine graces around it. Her cheeks were fresh with youth and the oval firmness of health. She blushed or turned pale with ease. Her skin was of a healthy mottled whiteness. Her broad chest, rather thin, presented a sculptural bust, scarcely undulated by the roundness of her sex. Her arms were strong and muscular, her hands long, her fingers taper. Her costume, conformable with the mediocrity of her fortune, was of sober simplicity."

Lamartine thus hints at the formation of her resolution, and the hidden motive of the dark design ; this, of course, is all conjecture, but it is the conjecture of a great mind and worthy of attention :

"But, although her imagination was roused, her soul lost nothing of its purity, nor her girlhood of its chasity. Feeling the necessity of love, inspired by and recognizing the first symptoms of love, her reserve, her dependence, and her poverty ever restrained the avowal of her sentiments. Her heart-strings might break, but she would violently uproot the first impression which it had received. Her love, crushed alike by the power of her will and fate, changed, not its nature, but its ideal. *It became transformed into a vague and sublime devotion to a dream of public happiness.* Her heart was too large to contain nothing more than her own felicity. She would have it contain the felicity of an entire people. The fire with which she would have burned for one man, *consumed her for her country.* She concentrated these ideas more and more within herself, ever questioning what service she could render to humanity. The thirst for self-sacrifice had become her madness, her love, or her virtue. This sacrifice, bloody though it might be, she was resolved to accomplish. She had reached that state of mind which is the suicide of happiness, not for the sake of glory or ambition, like Madame Roland, but for the sake of liberty and humanity, like Judith or Epicharis. Nothing was wanting but the opportunity—she watched for it—and thought she had seized it."

\* \* \* \* \*

#### CHARLOTTE'S PREPARATIONS.

"She sought out a cutler's shop under the galleries, went in, and chose a dagger with an ebony handle, for which she paid three francs. She hid it beneath her *fichu*, and slowly returned to the garden. She rested for a moment on one of the stone benches, and leaned against the arcade. There, although plunged in the deepest thought, she allowed herself to be amused by the children that were playing about; some of them even came and leaned on her lap. She had a last woman's smile for those young faces and those games. Her indecision oppressed her—not the act itself for which she was armed, but regarding the manner in which it should be done. She wanted to make of this murder a solemn immolation that should strike terror into the souls of the imitators of the tyrant. Her first thought was to accost Marat, and sacrifice him in the Champ-de-Mars, during the grand ceremony of the federation, which was to take place on the 14th July, in commemoration of re-conquered liberty. The adjournment of this solemnity until the triumph of the republic over the Vendean and the insurgents, took from her the theatre and the victim. Her second thought was to strike Marat at the head of the Mountain, in the midst of the Convention, beneath the gaze of his worshippers and accomplices. \*\*\*

She returned to her room, wrote a note to Marat, which she left at the door of "the Friend of the People:"

"I have arrived from Caen," said she. "Your love for the country makes me presume that you will hear with pleasure the unhappy events of this part of the republic. I shall present myself at your house about one o'clock; have the goodness to receive me and grant me a moment's interview. I will put you in a way to render a great service to France."

Charlotte, reckoning on the effect of this note, was at Marat's door at the time she had named; but she could not gain access to him. She then left with the portress a second note, more pressing, more insidious than the first. She made a call not only on the patriotism, but on the pity of the "Friend of the people," and laid a trap for him in the generosity which she supposed him to have. "I wrote to you this morning, Marat," said she, "have you received my letter? I cannot believe it, since I am refused admission at your door. I hope that to-morrow you will grant me an interview. I repeat, I come from Caen; I can reveal to you the most important secrets for the salvation of the republic. Besides, I am persecuted for the cause of liberty. I am unhappy. It is sufficient that I am so to have a claim to your patriotism."

"WITHOUT awaiting an answer, Charlotte left her room at seven o'clock in the evening, dressed with more care than usual, to seduce by a more decent appearance the eyes of those who watched over Marat. Her white dress was covered on the shoulders by a silk *fichu*, which, veiling her chest, was folded under the breast at the waist, and was tied behind her. Her hair was enclosed in a Norman coiffe, of which the falling lace touched her cheeks. A broad green ribbon fastened the coiffe on her temples. Her hair, escaping from it at the back, allowed a few curls to fall upon her neck. No paleness, no wandering look, no emotion of voice, revealed that she carried death. It was under such seductive attractions that she again knocked at Marat's door."

#### THE ROSY BATH.

Charlotte met with many difficulties in reaching Marat. She was stopped on the steps several times; but she resolutely pushed forward: when near the place where the tyrant was supposed to be, the wordy altercation between her and the woman who attempted to turn her back, grew so loud as to attract the ear of Marat, who supposing from the strange female voice that it was that of the woman from whom he had received the note asking an interview, he at once commanded that she be allowed to enter. The grotesque scene of which she is made to form a conspicuous part is thus described by Lamartine.

"This room was but feebly lighted. Marat was in his bath. In this forced repose of the body, he did not allow his mind to rest. A rough plank, resting on the bath, was covered with papers, open letters, and pages commenced. He held in his right hand the pen that the arrival of the stranger had suspended over the page. This sheet of paper was a letter to the Convention to ask for the sentence and proscription of the last Bourbons tolerated in France. By the side of the bath, on a heavy billet of oak, like a log placed end-ways, stood a leaden ink-stand of the coarsest make: impure sources from whence had issued, during three years, so many acts of madness, so many denunciations, so much blood. Marat, covered in his bath with a dirty sheet stained with ink, had nothing out of the water but his head and shoulders, the upper part of his bust, and his right arm. There was nothing in this man to soften the eye of a woman, or make her hesitate to strike the blow. His greasy hair tied round with a dirty handkerchief, his receding forehead, insolent eyes, high cheek-bones, large grinning mouth, hairy chest, skinny arms, and livid skin: such was Marat."

This is the picture of Marat; "The FRIEND of the French PEOPLE!" His hideous aspect in the bath is almost equal to his ferocious countenance in history. That the young girl should only have turned away in terrified disgust at the beastly disclosure is to be attributed only to the stern character of her resolution. Surely the scenery of this meeting with its terrific consummation is without a parallel in the history of events. \* While Charlotte was seeking an interview with this potent personage, she might, in her mind's eye, have forecast the appearance of the brute, and the place where she might find him; most probably, his person, in her fervid imagination, was identified with the silken drapery of some gorgeously decorated courtly chamber, majestically leaning on a luxurious couch or reeling in a red-cushioned cabinet chair—mayhap—in an official *robe de chambre*, with ink on his fingers, and pen in his hand: such a picture would have been a natural one to the innocent mind of a peasant girl whose knowledge of great characters had been derived exclusively from books. But here we have this controlling citizen—more potent for evil than any king—"in a dirty sheet stained with ink; his greasy hair tied round with a dirty handkerchief," &c., &c.

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\* The classical reader could hardly fail to recall the slaughter of Agamemnon in the bath, as we find it recorded in the fabulous histories of the olden times.

"CHARLOTTE avoided looking at him for fear of betraying the horror of her soul at his aspect. Standing, her eyes cast down, her hands dropped to her side, near the bath, she waits until Marat shall interrogate her on the situation of Normandy. She replies briefly, giving her answers the sense and color most fit to flatter the supposed dispositions of the demagogue. He asks her the names of the deputies who are sheltered in Caen; she dictates their names, he takes notes, and when he has done he exclaims in the accents of a man sure of his vengeance, "That's well! before eight days they shall all go to the guillotine!"

"At these words, as if the soul of Charlotte had waited for a last villany to give herself the will to strike the blow, she draws the knife from her bosom, and plunges it, with supernatural force, to the hilt into the heart of Marat. Charlotte withdraws the knife with the same movement from the body of the victim, and lets it drop at her feet. "To me! my dear! to me!" shrieked Marat, and expired under the blow."

To a person acquainted with the history of the turbulent times in France, in the latter decades of the 18th century, seeing that the flow of blood was in a continuous slush, and that the guillotine had been so long and so relentlessly chopping off the heads of citizens, in huge numbers, that even THAT monster of a machine had lost many of its wonted terrors—to such a person, an *assassination in Paris* in 1793, might not appear to be a greatly sensational affair; nevertheless it is true, that the assassination of Marat was a stupendous event, even in Paris, as it struck terror, in a stream of fire, into the hearts of the Robespierres and Dantons, and the other—more than thirty—Tyrants, who had been or were just then holding carnivals of blood in devoted France.

We are told, that on the occasion of the execution of Charlotte Corday, Robespierre, Danton, Camille, Desmoulins had placed themselves on her passage to get a glimpse of her. All those who had a presentiment of assassination were curious to study the expression of a fanaticism that might threaten them to-morrow. She resembled celestial justice, satisfied and transfigured. She seemed to be looking every now and then for a look of intelligence, among those millions of up-turned faces, on which her eye might rest.

"After the terrific scene at the bath: Charlotte was led into Marat's drawing-room to be interrogated. Guillard wrote her answers: she gave them calmly, lucidly, reflectedly, in a firm,

sonorous voice, in which one felt the accent of a proud satisfaction for the act she had committed. She dictated her confessions as praises. The administrators of the police department assisted at this interrogatory. They had sent to inform the council of the commune, the comité of public safety, and the comité of general security. The report of the death of the Friend of the people had spread with the rapidity of an electric commotion, by men who ran frantically from street to street. All Paris appeared stupefied at this attempt. It seemed that the république had trembled, or that unknown events must happen from the murder of Marat.

"She was searched, but, at this time, they found in her pockets only the key of her trunk, her silver thimble, a ball of thread, instruments of needlework—so recently side by side with the dagger of Brutus—200 francs in *assignats* and in cash, a gold watch made by a watchmaker of Caen, and her passport. Under her *fichu* she still carried the sheath of the knife with which she had stabbed Marat.

"Do you recognize this knife?" asked one.

"Yes."

"What made you commit this crime?"

"I saw," replied she, "civil war ready to rend France; persuaded that Marat was the principal cause of the perils and calamities of the country, I made the sacrifice of my life against his to save the country."

"Name the persons who advised you to commit this horrible deed, which you could not have conceived of yourself."

"No person knew my design. I deceived my aunt with whom I lived, as to the object of my journey. Few persons frequented the house of my relative, and no one ever even suspected my thought."

"Did you not leave the town of Caen with the determination to assassinate Marat?"

"I only left there for that purpose."

"Where did you procure the weapon?" "What persons have you seen in Paris?" "What have you done since Thursday, when you arrived?" To these questions she responded, with literal sincerity, all the circumstances already known of her residence in Paris, and of her actions.

"Did you not try to escape after the murder?"

"I should have fled by the door if no one had opposed it."

"Are you a girl, and have you never loved a man?"

"Never."

"Charlotte Corday was consigned to a dungeon, guarded at sight, even during the night, by two *gensd'armes*. She vainly exclaimed against this profanation of her sex. The comité of public security hurried her judgment and execution. She could hear from her wretched bed the public criers, hawking the tale

of the murder about the streets, and the howling crowd wishing a thousand deaths to the assassin. Charlotte did not take this voice of the people for the sentence of posterity."

#### A GLIMPSE OF AMBITION.

"Through the horror that she inspired, she foresaw an apotheosis. Thinking thus, she wrote to the comité of the general security. "Since I have a few moments to live, may I hope, citizens, that you will have my portrait painted? I should like to leave this souvenir of myself to my friends. Besides, as the likenesses of good citizens are esteemed, so curiosity sometimes makes one seek those of great criminals to perpetuate the horror of their crime. If you grant my request, I beg you will send me a miniature painter to-morrow. I hear continually the cries in the street of the arrest of Fauchet, my accomplice. I never saw him but from my window two years ago. I neither like nor esteem him. He is the last man to whom I should have voluntarily confided my project. If this declaration can be of use to him, I hereby certify the truth of it."

Charlotte would not recognize herself as an assassin. On one occasion, when the idea was suggested, by a question from one of her inquisitors, she recoiled indignantly at the insinuation:

"The accuser reproached her with striking the blow downwards, so that it should be more sure, telling her that, no doubt, she must be well practised in crime. At this supposition, which upset all her ideas, by assimilating her with murderers by profession, she exclaimed, in a voice of shame, "Oh! the monster, he takes me for an assassin."

There is something here resembling Guiteau's persistence in using his elected phrase,—“*To remove the President.*” It is a little thing, but the fact and the coincidence are worth noting.

Charlotte knew that it was against the laws of God and man to kill a human being; but she had educated herself into the belief, that *to kill a tyrant* was quite a different thing: it was a glory—a token and a promise of *immortality*. She knew that Marat was the bloodiest of tyrants; and her *delusion* was that, to destroy one tyrant for the good of hundreds of thousands of citizens, or to avert a threatened civil war, was her allotted duty and heavenly assigned task, to which she bent all her energies with the most enthusiastic intrepidity.

It must be noted here that *she had no accomplice*: and in this particular feature of her case, she stands side by side with Felton, Bellingham, Oxford, Lawrence, and Guiteau.

There is another similarity of situation which must not be overlooked: she made *no effort to escape*, but left abundant evidence of the fact that she voluntarily *offered herself as a sacrifice*. She disdained the idea that she had an accomplice, or that any human being had been permitted to participate in her design or to aid in the achievement. On the contrary, it is quite clear that she coveted, singly and alone, the historic renown which might accompany the bloody exploit. And herein we have more than a glimpse of selfishness: and see clearly that she had in her eye the TEMPLE OF FAME, a niche in which she felt sure she would occupy forever! It will be seen, besides requesting her portrait to be painted, that, while they were interrogating her, and the jury were taking down her answers, she perceived among the audience a painter who was taking her portrait. Without interrupting herself, she turned, complacently smiling, towards the artist, so that he might take her features the easier. *She thought of immortality. She already posed herself before the future.*

#### CHARLOTTE'S LAST UTTERANCES BEFORE HER TRIAL.

"Pardon! O men! this name of Marat dishonors your species: he was a ferocious beast that would have devoured France by the fire of civil war. Thank Heaven he was not born a Frenchman. \* \* \* At my first interrogatory, Chabot looked like a madman. Legendre chose to say he had seen me in the morning at his house; I who never dreamt of the man. I do not think him capable of being a tyrant to his country, and I do not pretend to punish all. I believe they have printed the last words of Marat. I much doubt if he uttered any. But these are the last he said to me. After receiving the names of you all, and those of the administrators of the department of Calvados, who are at Eareux, he said to me, to console me, 'that in a few days he would have them all guillotined in Paris,' those last words decided his fate. I own what quite decided me was the courage with which our volunteers enrolled themselves, on Sunday, the 7th of July. You remember that I promised to make Petion regret the suspicion that he manifested on my sentiments. I considered that so many brave people marching to have the head of one man, whom they would have missed, or have dragged with him in his downfall many good citizens, that he was not worthy of so much honor, and that a woman's hand

was enough. I own that I used perfidious trickery to induce him to receive me. I reckoned, when I started, on sacrificing him at the head of the mountain, but he no longer went to the Convention. People are such good citizens in Paris that they cannot conceive how a useless woman, whose longest life is good for nothing, can, in cold blood, sacrifice herself for her country! As I really was in cold blood when I came out of Marat's house to be conducted to the Abbaye, I suffered from the cries of a few women: but he who would save his country does not calculate the cost. May peace be at once established—that is what I desire. I have enjoyed delightful peace these two days past: the happiness of my country makes mine. There is no kind of devotion from which one does not draw more enjoyment than it costs to reconcile oneself to it. A lively imagination and a sensitive heart promise a stormy life. I beg of those that may regret me to consider this and rejoice.

"Among the moderns, few patriots know how to immolate themselves for their country. Almost all is egotism. What a sad people to form a republic!"

"I must have a counsellor; it is the rule. I have taken mine from the mountain. *I think of asking either Robespierre or Chabot.* \* \* To-morrow at eight I am to be judged; probably, at noon I shall have lived. I do not know how my last moments will be spent; it is the end that crowns the work. I do not need to affect insensibility, for up to the present moment I have not *the least fear of death*. I never esteemed life other than by the usefulness to which it might be put. Marat will not go to the Patheon."

We have had, before, the hideous picture of Marat, at the minute of his assassination in the bath. Let us now take a view of him in the historical sense.

#### WHAT HISTORY SAYS OF THIS MONSTER.

"Jean Paul Marat was born near Neufchatel. He studied medicine at Paris; but, although, not deficient in intelligence and quickness, he wanted the application and perseverance requisite for the regular study of his profession, and he became an empiric. At the first symptoms of the revolution, in 1789, he showed himself a furious demagogue, addressing himself to the passions of the Paris populace, and preaching open insurrection and massacre. He was one of the members of the club of the Cordeliers, founded by Danton in 1790. He then became editor of a journal, entitled "L'Ami du Peuple," which was hawked about the streets, and became a favorite with the lower

orders. In this periodical he urged the poor to rise against the rich, the private soldiers against their officers, and the nation at large against the King. In 1792, he became a member of the first committee of public safety, and as such, sent circulars all over France to recommend the massacre of the so-called aristocrats. He said in his paper that France would never be happy unless 270,000 heads were struck off by the guillotine; and he actually published long lists of individuals whom he denounced as proper objects of public vengeance; yet, this man was returned by the department of Paris to the National Convention.

In the convention, Marat was the declared enemy of the Gerondins; he attacked them in April, 1793, but Robespierre, who was more cautious, checked him then; things were not yet ripe for their proscription. Marat was even impeached, and underwent a mock trial before his friends of the revolutionary tribunal, but was acquitted, and re-entered the convention in triumph. He saw the downfall of the Girondins, but did not long survive them."

Marat was proclaimed by the Jacobins as a martyr of liberty, and his body was interred with great honor in the Pantheon, the former church of St. Genevieve, from which it was removed after the reign of terror. Marat has been called a madman, but there was method in his madness; he was one of those depraved men whom revolutionary convulsions throw up to the surface of society.

"In 1793, he formed a triumvirate with Danton and Robespierre, passed a law for "the arrest of suspicious persons," which caused the imprisonment of no less than 400,000 innocent persons. At the time of his death, he was too ill to leave his house, and would probably have lived only a few days longer, naturally.

"He was vain, egotistic, fanatical; and, strange to say, in the height of his almost unlimited power, he lived in abject poverty.

Charlotte's trial was brief. She maintained her intrepidity to the last. The only intimation of insanity made was in the brief speech of her advocate—which is in these words:

"The accused," said he, "confesses the crime; she owns that she long premeditated it: she confesses the most crushing circumstances. Citizens, this is the sum of her defence: This imperturbable calm and complete self-abnegation, which reveals

no remorse in the presence of death; this calm and self-abnegation, sublime under its aspect, *are not in nature*, they cannot be explained other than by the *excitement of political fanaticism*, which *has placed the dagger* in her hand. It is for you to judge *what weight such unalterable fanaticism should have in the scale of justice*. I appeal to your consciences."

The jury sentenced her unanimously to the pain of death. She heard the sentence without turning pale.

"The president having asked her if she had anything to say against the nature of her punishment, she disdained to reply; then approaching her advocate, she said to him in a sweet penetrating voice,—"You have defended me as I wished to be defended, I thank you; I owe you a proof of my gratitude and my esteem, it shall be worthy of you. These gentlemen," pointing to her judges, "have just declared my property confiscated; I owe something at the prison, and leave you this debt to liquidate for me."

Charlotte had never seen Marat. She could not possibly have had any personal malice against him. She knew him as a controlling citizen, supreme in his power to dictate the duties of the guillotine. She was informed of his daily contributions of French heads to the National Slaughter House. She heard her countrymen called to arms; saw the youths of the neighborhood mustering into the volunteer service! She partook of the enthusiasm of the hour: And as she beheld thousands of men marching off in military array, her soul reaching upwards to the high places of heroic achievement, she resolved to show those *men* what *one woman could do*, and so she buckled on her armor.

A young German Republican, who happened to be present at her trial, was so inspired with admiration at her intrepidity that in the very height of his enthusiasm, he exclaimed :

#### "GREATER THAN BRUTUS."

Alas! what a poor compliment for such heroism! Pray, wherein *was Brutus great?* Brutus is to be *pitied* for his broken intellect. If he was a sane man, when he stabbed Cæsar, he was no less despicable than Guiteau; for Cæsar was in no sense a tyrant; he was the pride of Rome, the paragon of men—the glory of the world.

#### CHARLOTTE AND JUDITH.

**The only historic character worthy to stand side by side with**

Charlotte Corday, is Judith. Arrayed in the grandeur of her purple robes, she rises from her antique sepulchre and claims immortal kinship with the maid of Normandy. Lo ! the widow and the maid—lo ! the maid and the widow.

Here is a picture fit for the contemplation of American women. Should any tyrant on this continent ever so abuse the power of the American people as did Marat that of the people of France, let us fervently hope that another celestial apparition in the shape of an immaculate woman, may here be found to rid the world of the monster.

#### JUDITH AND HOLOFERNES.

Holofernes invaded Bethulia, committing all manner of ravages—even to cutting off supplies of water. The leaders were driven to despair, and had resolved within five days to give way to the tyrant.

Judith was a widow of goodly countenance, and very beautiful to behold, and there were none that gave her an ill word.

“Now when she heard the evil words of the people against the governor, that they fainted for lack of water; for Judith had heard all the words that Ozias had spoken unto them, and that he had sworn to deliver the city unto the Assyrians after five days. Then she sent her waiting woman, that had the government of all things that she had, to call Ozias and Cbabis and Charmis, the ancients of the city. And they came unto her, and she said unto them, Hear me now, O ye governors of the inhabitants of Bethulia; Hear me, and I will do a thing which will go throughout all generations to the children of our nation. Ye shall stand this night in the gate, and I will go forth with my waiting woman: and within the days that you have promised to deliver the city to our enemies the Lord will visit Israel by my hand. But inquire not ye of mine act: for I will not declare it unto you, till the things be finished that I do.”

\* \* \* \*

Judith passed out of the gate, and with such arts as only women can successfully use, she deceived the tyrant’s officers, and found admittance to his tent. She told Holofernes that God had sent her (that she had fled from her people) to work things with him, whereat all the world should be astonished.

#### THE CATASTROPHE.

“Now when Judith came in and sat down, Holofernes’ heart

was ravished with her, and his mind was moved, and he desired greatly her company; for he waited a time to deceive her, from the day that he had seen her. Then said Holofernes unto her, Drink now, and be merry with us. So Judith said, I will drink now, my lord, because my life is magnified in me this day more than all the days since I was born. Then she took and ate and drank before him what her maid had prepared. And Holofernes took great delight in her, and drank much more wine than he had drank at any time in one day since he was born.

And Judith was left alone in the tent, and Holofernes lying along upon his bed; for he was filled with wine. Now Judith had commanded her maid to stand without her bed-chamber, and to wait for her coming forth, as she did daily; for she said she would go forth to her prayers. Then she came to the pillar of the bed which was at Holofernes' head, and took down his fauchion from thence, approached to his bed, and took hold of the hair of his head, and said, strengthen me, O Lord of Israel, this day. And she smote him twice upon his neck with all her might and she took away his head from him. And tumbled his body down from the bed, and pulled down the canopy from the pillars, and anon after she went forth, and gave Holofernes' head to her maid. And she put it in her bag of meat; so they were twain together according to their custom unto prayer; and when they passed the camp, they compassed the valley, and went up the mountain to Bethulia, and came to the gates thereof. Then said Judith afar off to the watchmen at the gate, open, open, now the gate; God, even our God, is with us, to show his power yet in Jerusalem, and his forces against the enemy, as he hath even done this day. Now when the men of her city heard her voice, they made haste to go down to the gate of their city, and they called the elders of the city. And they ran all together both small and great, for it was strange unto them that she was come; so they opened the gate and received them, and made a fire for a light, and stood round about them. Then she said to them with a loud voice, Praise, praise God, praise God, I say for he hath not taken away his mercy from the house of Isreal but hath destroyed our enemies by mine hands this night. So she took the head out of the bag, and shewed it and said unto them, Behold the head of Holofernes, the chief captain of the army of Assur, and behold the canopy, wherein he did lie in his drunkenness; and the Lord hath smitten him by the hand of a woman. As the Lord liveth who hath kept me in my way that I went, my countenance hath *deceived him to his destruction*, and yet hath he not committed sin upon me, to defile and shame me. Then all the people were wonderfully astonished, and bowed themselves and worshipped God, and said with one accord, blessed be thou, O our God which hast this day brought to nought the enemies of thy people."

There was no insanity in Judith's case. It was SAGACITY INSPIRED. That was an age when men and women were permitted to act on the admitted assumption of high incentives from the Almighty; for we are not allowed to suppose that Abraham was insane when he prepared, in the most solemn manner, to sacrifice and to slay his son. But Judith was honored by her countrymen as no other woman ever was honored—before or after.

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### THE ROMANCE OF ROBBERY.

In order to give the reader a little relief, and to exhibit the insane patient in a milder aspect, we turn a moment from these terrific scenes of slaughter, to the ordinary and humble walks of life, where the mysterious operations of the human mind are disclosed in smaller things, but no less distinctly on that account. The law in small and great crimes is vitalized by the same principles, and the same *quantum* of insanity that will excuse a robber will excuse a homicide.

There can be no murder without malice, no robbery without felonious intent, and there can be no felonious intent without mental capacity to conceive and generate that intent. This is the humanity of the law; for

“Who can minister to a mind diseased?”

The case below is a mysterious one, and one that should persuade generosity to the utmost tenderness in making up its judgment touching the errors of frail humanity, for who knows precisely in what respect he himself may be deficient or might become so by the accidents of life? We take this case from Parker's Reports of Criminal Cases, N. Y., 1st vol. p. 43.

### THE PEOPLE V. SPRAGUE.

*Sarah Watson* testified that about eight o'clock in the morning of the 18th of August, she was walking along Pearl street, in the city of Brooklyn, and hearing some person behind her, looked round and saw the prisoner, who immediately seized her, threw her down, and took a shoe from one of her feet, and ran away. She testified that at the time, she had a gold chain upon

her person, but that it could not be seen by the prisoner. She also stated that there was a man near by, who was unknown to her, but who hallooed at the prisoner, and gave chase to him, but that the prisoner outran him and escaped. It was admitted by the prisoner's counsel, that the shoe of Miss Watson was found in the prisoner's overcoat pocket, about ten o'clock of the same day, at the printing office of the *Long Island Star*. It was proved that the prisoner was a printer by trade, and was then employed as a journeyman in the office of the *Star*; that he came to the office upon that morning at his usual time, hung up his overcoat and went to his work as he had done before. One of the proprietors of the *Star*, hearing of the circumstances of the outrage upon Miss Watson, and her description of its perpetrator, suspected the prisoner, and demanded of him the shoe he had taken from the foot of a young lady that morning. The prisoner replied, "It's in my overcoat pocket." The shoe was taken from the pocket of the prisoner's overcoat, and afterwards identified by Miss Watson as the one taken from her in the street. The prisoner made no attempt at concealment or explanation.

The counsel for the prisoner admitted that if the prisoner was sane, he was guilty for the crime for which he was on trial. The prisoner's counsel called the

*Rev. Isaac N. Sprague*, father of the prisoner, a highly respectable congregational minister, who testified that the prisoner's age was twenty-five years; that he had generally resided in the family of the witness, but had spent a year with a brother at Hartford, Connecticut, where he went about four years before; that since his return from Hartford the prisoner had lived with the witness; that the prisoner was married in the year 1847, and was with his wife living at the house of the witness at the time of the assault upon Miss Watson; that the prisoner had, at different times, received *wounds* and *bruises* upon the head; that when quite young he was struck with a hoe near the crown of the head, producing an open wound, which after some time, closed and healed up; that when about twelve years old, the prisoner fell from a cherry tree striking upon his head. That witness, with his family, moved to Hartford in 1837 or 1838, and soon after the prisoner fell from the balcony of a second story, and was brought home insensible; that no immediate effect seemed to be produced upon the prisoner's mind by this accident, but that soon after his conduct became strange. He testified that his (witness's) mother had been insane for eight years, and some part of the time in an insane hospital; that a brother of his mother became insane and hung himself; that two sisters of his mother were occasionally insane. He stated that he and his wife had always known the mind of the prisoner to be not as strong as the minds of their other children; that after the fall from the balcony the prisoner was more carefully watch-

ed and kept in, and some painful indications were developed in the prisoner—as at times a remarkable prominence of the eye, and a dulness, which appeared to increase, and a physician was consulted. An effort was made to educate the prisoner for college, but found that could not be done. About this time a shoe of some female member would be missing, and when found would frequently be wet and crumpled up; that a girl, named Almira Godfrey, who was living in witness's family at the time, was at first suspected, but at length one of her shoes were missing, and when found was also wet and crumpled like the others. The family then suspected Charley, (prisoner.) and soon found it was he who took away the shoes. When a shoe was missing it would be found sometimes under his pillow, sometime between the straw and feather bed, sometimes in his trunk, and sometimes in his pocket, generally with clothes wound round the shoe as if to conceal it. That the prisoner, before his fall from the balcony, had been truthful, and of a frank and open demeanor, and willing to acknowledge the truth, though to his disadvantage. After it was found he took the shoes, whenever one was missed, and I spoke about it, he would hang his head and say he did not know, but the shoe would be found somewhere secreted. On some occasions, when a shoe had been missed, and found under his pillow, his mother would say to him, "Charley, another shoe gone;" to which he would reply, "I'm sure I didn't do it;" his mother would say, "I found it under your pillow;" then he would admit it. He seemed not to have a memory of the fact. I punished him for taking shoes, but I soon thought I could recognize the features of insanity in his conduct. Pains were taken to keep shoes out of his way, and they were put in drawers, and he would take them out of the drawers in the night. At times the prisoner had fulness of eyes, a vacancy of the eye was frequently apparent. Many witnesses gave corroborative testimony.

*Charles H. Nichols, M. D.,* testified that he was twenty-nine years of age; that from May, 1847, to March, 1849, he was at the State Insane Asylum at Utica, and in April, 1849, came to the asylum at Bloomingdale, of which he had had the charge since. That while he was at Utica there were about eight hundred patients in the asylum, and about one hundred and fifty at Bloomingdale. This witness testified that from the testimony in the case, he was clearly of the opinion that the prisoner was laboring under derangement of mind; that the act charged appeared to him to be an insane act; that it was not uncommon for monomaniacs to secrete, and to endeavor to escape; that cases of strict monomania were very rare, but do exist, and in such cases all conduct not affected by the peculiar delusion, may be perfectly rational. The cases of insane impulse are more frequent than those of monomania, acts done under insane

impulse are more likely to be remembered than those done under the influence of monomania.

*Theodore L. Mason, M. D.*, testified that insanity is the genus, monomania species, and that the impulsive characteristic may be common to both general and partial insanity. He was of the opinion that the prisoner was partially insane, and that the act for which he was on trial, was done from an insane impulse.

The evidence being closed, the case was submitted under the charge of the court.

*The Presiding Judge* charged the jury, that there was no question made, that the prisoner had done the act alleged in the indictment, and that the only question for them to decide was whether the prisoner at the time of the act done, was a responsible moral agent. That if at the time he did the act the prisoner was of sound mind, and capable of judging between right and wrong, then he was guilty of the crime charged upon him, but if he was of unsound mind, and acting under an impulse which at the time overthrew or obscured his knowledge, or capacity to judge of right and wrong, then he was not capable of committing a crime, and must be pronounced not guilty. That it seemed quite unnecessary to go into any consideration of the question of general insanity, as the whole defence had been put upon the ground that the prisoner was partially insane, and that the peculiarity of his insanity consisted in what appeared to the sane mind an objectless desire to possess himself of the shoes of females, and to hide and spoil them. That insanity, as a defence, was an affirmative matter; and in order to be allowed, must be proved beyond all reasonable doubt. If they were satisfied beyond reasonable doubt that the prisoner did the act charged in the indictment under an insane impulse, being at the time incapable of knowing right from wrong, it would be their duty to return a verdict of not guilty; but if they were not satisfied with the prisoner's insanity, it would be their duty to find a verdict of guilty.

After a short absence, the jury returned with a verdict of *not guilty*.

Now, in this case, the evidence would have been quite sufficient excluding all that was said about *hereditary insanity*; that, of course, could do no harm, and had its use in giving to the mind of the jury a gentle inclination towards the prisoner; but what juror could have hesitated--even if all the testimony excepting the curious circumstance of the repeated *abstraction* and *concealment of women's shoes*, and this accompanied with general good character--had been excluded? That part of the testi-

mony alone established *kleptomania, specific*, which would have been sufficient to acquit. This is one of the clearest cases that can be found in the books going to show the *quantum* of mental alienation or disease of mind required to establish irresponsibility: and the principle illustrated here is applicable to the highest crime.

There was a time when courts and juries would give no heed to such circumstances as these. On the contrary, insanity, even well developed, was considered an additional reason for hastening the fate of a man-slayer: *Hang him—and hang him quick, or else he may kill somebody else!* This was the rule. But happily, the softened civilization of our age, planting itself upon the frailties of humanity, has recognized the enlightened principle, that a man with a mind diseased to a certain extent is not capable of conceiving murderous malice, or of forming felonious intentions; and that, therefore, in such cases, some other mode of preventing mischief should be devised than death.

In England, especially in regard to assaults upon the sovereign, and in some of our States as to all cases of homicide the law prevails, by statute, that if a man be acquitted of murder on the ground of insanity, he shall be imprisoned in an asylum for life—or for a term of years, as the circumstances may warrant: so that practically an acquittal for murder on the ground of insanity amounts to nothing more nor less than a commutation of the death penalty to that of imprisonment for life. See the cases of Oxford already referred to, and McNaughten's, the one cited below. But it is said, that in this locality there is no such statute, and that, therefore, an acquittal would amount to a discharge. This is a fact which, while it may be set down as a misfortune to the community, should not be allowed to check the tendency of the age towards punative amelioration—for it is now admitted, on all hands, that an insane man ought not to be put to death for an act committed while his mind was unhinged; and this defect in the law for the want of a statute, should not be visited upon the unfortunate—but let the legislatures make diligent haste to provide an adequate law for the future.

## MCNAUGHTEN CASE.

Returning to the assassination of Premiers, we approach another of those melancholy cases, in the trial of Daniel McNaughten, who shot Mr. Drummond in 1843; the assassin having mistaken Mr. Drummond for Sir Rob't Peel then Prime Minister of England. The case is reported in 1 Townsend's Modern State Trial p. 336.

This is a case of the darkest significance. It illustrates the insidious growth of *suspicion* in the human intellect, and how surely that dark spirit may usurp and overthrow the mind in which it may find an habitual domicile. There is a feature in Guiteau's case tending to show that his mind was the habitation of this gloomy spirit, *suspicion*: We refer to the statement made by Guiteau to Mr. Scoville; that Secretary MacVeagh, was inimical to him, because he, Guiteau, had *favoured* Emory Storrs for Attorney-General in Garfield's Cabinet. To our mind there is a glimmering of insanity here. Here we see again that prevailing *astromania* which leads him to believe that he is a man of such commanding influence and importance that his private wishes publicly expressed in regard to public affairs enter materially into the calculations and considerations of the Powers that be! Why should he suppose that MacVeagh had ever heard of *his* wishes? In the heat of a disordered imagination he rushes precipitantly to the conclusion—*Mac Veagh is my enemy because I preferred Emory Storrs to him for Attorney-General!* Is there not something more here than the mere absurdity of a crank! Who is so much a master of the mysterious operations of the human mind, as to say, that from this absurd, but significant reflection, might not have grown, by degrees, his frantic determination to *remove* the President, and so, perhaps, to change the Cabinet?

### THE TRIAL OF DANIEL MCNAUGHTEN

Took place in 1843 before the late Chief Justice Tendal, Mr. Justice Williams and Mr. Justice Coleridge. The prosecution was conducted by the late William Follett, then Solicitor General, and the prisoner was defended by Mr. Cockburn, Q. C.

## THE CROWN'S CASE AGAINST M'NAUGHTEN.

"Mr. Drummond, the private secretary of the late Sir Robert Peel, then *prime-minister*, was returning alone to his residence in Dowling street, having just quitted Drummond's banking-house at Charing Cross, when a man (Daniel M'Naughten) came close behind him, and deliberately shot him in the back with a pistol which he had been seen to take from his left breast. While Mr. Drummond staggered away, and the man who shot him was seen quickly, but deliberately, taking another pistol from his right breast with his left hand, cocking it, and then transferring it to his right hand, he was tripped up by a police officer. M'Naughten strove to use his right arm against the officer, but was overpowered, the pistols taken from him, and he was led to the station house. As he went, he said, "*He shall not break my peace of mind any longer.*" On being searched, a banker's receipt for £745, two five pound notes, and four sovereigns, and ten copper percussion caps fitting the nipples of the pistols which he had discharged, were found on his person; while bullets exactly fitting the barrels were found at his lodgings. The unfortunate gentleman who had been thus assassinated, had borne a strong personal resemblance to the late Sir Robert Peel; and it was beyond all doubt that it had been Sir Robert Peel whom M'Naughten thought he had shot, and had intended to shoot. When asked if he knew whom he had shot, he replied, "It is Sir Robert Peel, is it not?" and on being reminded that what he said might be given in evidence, he replied quickly, "*But you won't use this against me?*" He had before said that, when brought before the magistrate, he would "give a reason, a short one," for what he had done; and that he was an object of persecution by the Tories—that they followed him from place to place with their persecution. He had been a man of rigorously temperate habits; and no one with whom he lodged or associated, entertained suspicion that his mind was in any way affected—though he appeared peculiarly reserved, and even sullen. During the previous fortnight he had been observed loitering so suspiciously in the neighborhood of Sir Robert Peel's private and official residences as to challenge inquiry. In the month of November previously, he had remarked to a companion, on being shown Sir Robert Peel's house in Whitehall, "D——n him! Sink him!" or words to that effect.

The following two documents in his handwriting, dated in the May and July preceding the murder, are very remarkable, as indicating great caution, shrewdness, and thrift on the part of the writer. The first was addressed to the Manager of the Glasgow Bank, and is as follows:—

"GLASGOW, 23d May, 1842.

"Sir,—I hereby intimate to you, that I will require the money,

ten days from this date, which I deposited in the London Joint-Stock Bank through you. The account is for £745. The account is dated August 28th 1841, but is not numbered! As it would put me to some inconvenience to give personal intimation and then remain in London until the eleven days' notice agreed upon has expired, I trust this will be considered sufficient.

"Yours, &c.,

"DANIEL M'NAUGHTEN."

"In July—he purchased the fatal pistols of a gunsmith near Glasgow, giving him very precise directions as to their make: and on the 19th of July replied to the following advertisement which appeared in the *Spectator* newspaper of the 16th of July :—

OPTIONAL PARTNERSHIP.—Any gentleman having £1000 may invest them, on the most advantageous terms, in a very genteel business in London, attended with no risk, with the option, within a given period, of becoming a partner, and of ultimately succeeding to the whole business. In the mean time, security and liberal interest will be given for the money. Apply by letter to B. B., Mr. Hilton's, Bookseller, Penton Street, Pentonville."

McNaughten's answer :

"GLASSGOW, 19th July, 1842.

"SIR.—My attention has been attracted to your advertisement in the *Spectator* newspaper, and as I am unemployed at present, and very anxious to obtain some, I have been induced to write requesting you to state some particulars regarding the nature of the business in which you are engaged. If immediate employment can be given or otherwise, what sort of security will be given for the money, and how much interest? I may mention that I have been engaged in business on my own account for a few years, am under thirty years of age, and of very active and sober habits.

"The capital which I possess has been acquired by the most vigilant industry, but, unfortunately, does not amount to the exact sum specified in your advertisement. If nothing less will do, I will be sorry for it, but cannot help it; if otherwise, have the goodness to write to me at your earliest convenience, and address, D. M. N., Clyde Street, Anderton's front land, top flat."

These documents, and other facts in the same direction, show conclusively that McNaughten was a man of thrift, and well capable of taking care of his money, and conducting his busi-

ness affairs with shrewdness and economy. He was of good character and temperate habits.

He went to London during the same month ; appears to have gone for about a fortnight to France, returning to Glasgow; he went a second time to London in September, and resided there, in the lodgings which he had formerly occupied, down to the day on which he shot Mr. Drummond. His landlady described his habits, and stated that "she never thought him unsettled in his mind;" and, on the very morning of the fatal day, "did not observe anything about his manner." Such was the tenor of all the evidence offered for the prosecution—some of it stretching back to the years 1840, 1841, when he attended anatomical lectures in Glasgow.

The following statement he made and signed, when examined at Bow street :

"The Tories of my native city have compelled me to do this. They follow and persecute me wherever I go, and have entirely destroyed my piece of mind. They followed me into France, into Scotland, and all over England : in fact they follow me wherever I go. I cannot get no rest for them day or night. I cannot sleep at night, in consequence of the course they pursue towards me. I believe they have driven me into a consumption. I am sure I shall never be the man I formerly was. I used to have good health and strength, but I have not now. They have accused me of crimes of which I am not guilty; they do everything in their power to harass and persecute me ; in fact, they wish to murder me. It can be proved by evidence. That's all I have to say."

#### M'NAUGHTEN IN COURT.

When called upon, in the usual manner, to say whether he was guilty or not guilty, he remained silent, with his eyes directed steadily towards the bench. Being authoritatively required to answer, he said, after some hesitation, "I was driven to desperation by persecution." On being told that he must answer, "guilty," or "not guilty," he replied that he was guilty of firing. On this Lord Abinger interposed, "By that, do you mean to say that you are not guilty of the remainder of the charge—that is, of *intending to murder Mr. Drummond?*" The prisoner at once said, "Yes;" on which Lord Abinger ordered a plea of not guilty to be recorded.

## M'NAUGHTEN'S DEFENSE.

Ten witnesses were called for the purpose of establishing the fact that the prisoner had, for some eighteen months previously appeared to labor, and had continually represented himself as laboring under a persuasion that he was the victim of some such indefinite, mysterious, and incessant persecution as he spoke of in his statement at Bow street. The only mention of Sir Robert Peel's name was by a former fellow-lodger of the prisoner's, who told him, in July 1842, that he had heard Sir Robert Peel speak in the House of Commons; preferred his speaking to that of Lord John Russell and Mr. O'Connell; and said, "he thought Sir R. Peel had arrived at what Lord Byron said of him—that she would be something great in the state." Mr. Cockburn asked the witness, "Did you ever, on that or any other occasion, hear him speak at all disrespectfully of Sir Robert Peel?"

*Answer.*—"Certainly not." One of his landlords got rid of him as a lodger, "for one reason, in consequence of the infidel doctrines he maintained, and the books of such a character which he was in the habit of reading." One witness who had succeeded him in his business, remonstrated with him, towards the end of 1842, about his notions as to being persecuted, telling him it was all imagination, that there were no such people as he supposed. He said that "if he could once set his eyes on them, they should not be long in the land of the living," and became shortly afterwards very much excited. Sometimes he said he was "haunted by a parcel of devils following him;" his landlady, seeing the brace of pistols which he had in September, just before his return to London, said: "What, in the name of God, are you doing with pistols there? He said, 'he was going to shoot birds with them.' I never saw the pistols after that." He told the Commission of Police that the "persecution proceeded from the priests of the Catholic chapel in Clyde street, who were assisted by a parcel of Jesuits." In August 1842, he told the same witness that "the police, the Jesuits, the Catholic priests and Tories, were all leagued against him."

## DOCTORS AS EXPERTS.

One of the physicians attested his conviction, from an interview with the prisoner shortly before his trial, "as a matter of certainty, that M'Naughten was not responsible for his acts!" "Each physician and surgeon as he stepped into the witness-box seemed anxious to surpass his predecessor in the tone of decision and certainty. One of the doctors had asserted, under cross examination by Sir William Follet, "this positive conviction that he could ascertain the nicest shade of insanity, that the shadowy trace of eccentricity, dissolving into madness, could be palpably distinguished!" The last doctor: "I have not the

slightest hesitation in saying that the prisoner is insane, and that he committed the offence in question whilst afflicted with a delusion under which he appears to have been laboring for a considerable length of time!"

#### THE BULL-DOZED JUDGES.

Chief Justice Tindal here interposed, to ask Sir Wm. Follett, whether he was prepared with evidence on the part of the Crown to combat that of the medical witnesses,—

"Because, if you have not," said the Chief Justice, "we think we are under the necessity of stopping the case. Is there any medical evidence on the other side?"

*Sir William Follett.*—"No, my Lord."

*Chief Justice Tindal.*—"We feel the evidence, especially that of the last two medical gentlemen who have been examined, and who are strangers to both sides, and only observers of the case, to be very strong, and sufficient to induce my learned brothers and myself to stop the case.

The Chief-Judge then briefly addressed the jury, offering to go through the whole evidence, if the jury deemed it necessary, which he "thought to be almost unnecessary;" adding—

"I am in your hands; but if, in balancing the evidence in your minds, you think that the prisoner was, at the time of committing the act, capable of distinguishing between right and wrong, then he was a responsible agent, and liable to all the penalties which the law enforces. If not so—and if, in your judgment, the subject appear involved in very great difficulty—then you will probably not take upon yourselves to find the prisoner guilty. If that is your opinion, then you will acquit the prisoner. If you think you ought to hear the evidence more fully, in that case I will state it to you, and leave the case in your hands. Probably, however, sufficient has now been laid before you, and you will say whether you want any further information."

*Foreman of the Jury.*—"We require no more, my Lord."

*Chief-Justice Tindal.*—"If you find the prisoner not guilty, say on the ground of insanity; in which case proper care will be taken of him."

*Foreman.*—"We find the prisoner not guilty, on the ground of insanity."

Such was the verdict in this remarkable case. It should be observed, that the judges that presided were of the most enlightened on the English Bench, and the advocates prosecuting and defending were of the most accomplished of the English Bar. The case stands in the books as a leading one; though

the verdict astounded the public; and the conduct of the judges was seriously censured. There is, in our opinion, great judicial beauty, propriety and dignity displayed in the whole proceedings: this lies in the patience of the judges and their enlightened liberality—their perfect freedom from and elevation above the influences of the outside world.

If M'Naughten had been tried as Bellingham was—during the fever of excitement, and the clamors of the mob, he too, would have found a SLAUGHTER PEN in the purple purlieus of the temple of justice. But happily it was otherwise ordered.

Juries, like doctors, sometimes hide their crimes in the grave; innocence, as well as a good constitution, is often prematurely buried; but in the case of the jury in McNaughten's trial, the truth and correctness of their verdict were vindicated by time. M'Naughten, like Oxford, upon being acquitted, was sent to Bedlam, where he was often visited and interviewed. We are told that, whenever approached on the subject of the killing of Drummond, he would invariably draw himself off, and say—"upon that subject, I have long since resolved to say nothing; and it is quite useless to try to get an expression from me." But all accounts concur in the general conclusion, that the long incarcerated prisoner *was in a state of mental decay utterly hopeless*. Thus, Bedlam vindicates a verdict which the public condemned.

#### THE QUANTUM OF INSANITY

Necessary to establish irresponsibility, will be one of the chief questions in Guiteau's trial; and in this view, M'Naughten's case will be a leading one, in the investigation, and one of the greatest significance. It may be seen, by the judicial mind, that the quantum of insanity here is the *smallest of any reported case of acquittal*. There is not a particle of testimony touching insanity outside of the single *delusion*, built upon the *suspicion* that he was *pursued by enemies who tormented him*; and who sought to *ruin him* in business, and had driven him into consumption:—we think, therefore, that this question is worthy of especial inquiry, as suggested in the paragraphs below:

## THE DELETERIOUS INFLUENCE OF SUSPICION ON THE MIND.

The reader will observe that this is a case where *suspicion* took complete possession of the mind. By the term suspicion, we mean the habitual inclination to suppose of one's self that he is of such importance and consequence that every little knot of persons or coterie seen talking and looking around, is thinking and talking of him. This unhappy disposition prevails in all circles of society, to the torment of friends, and to the apprehension of families. It may not reach the point of insanity, but it is a fearful and insidious foe to the intellect—and if not checked, will grow into deplorable mental alienation.

The overwhelming power of suspicion on the human mind is strikingly illustrated in the character and conduct of Othello: the death of Desdemona was the fearful result of *suspicion*, engendered by a few dark hints, and the *loss of a handkerchief*.

Shakespeare made Hamlet simulate madness by design. But Shakespeare had no thought of insanity when he drew Othello. *He made a first-class madman out of Othello without design.* He unhinged the mind in the most natural way by allowing the daemon, suspicion, to take possession of it, through the emotions of a most delicate sensitiveness touching the affections; and thus, he upset or perverted the faculties of reason.

This inquiry is a curious one—let us pursue it a moment by the magic lantern of Shakespeare. Before suspicions of the chastity of Desdemona began to be engendered in Othello's mind, he was a splendid specimen of an exalted character. His fondness and passion for his peerless wife was of itself an evidence of his noble nature. But suddenly we see this nobleness subside, while the man is sinking into degradation. His demeanor is so changed that men begin with amazement to enquire:

"Is this the noble Moor whom our full Senate  
Call all in all sufficient? Is this the nature  
Whom passion could not shake; whose solid virtue  
The shot of accident, nor dart of chance,  
Could neither graze nor pierce?  
\* \* \* \* \*  
*Are his wits safe? Is he not light of brain?"*

Well, indeed, might this significant inquiry be made:

*Are his wits safe? Is he not light of brain?"*

The theater-goers will readily comprehend the situation; they have seen, over and again on the stage, the overwhelming effects of this *dæmon*, suspicion, on the demented Moor, as he parades furiously around, gnawing his lips and foaming at the mouth; utterly bereft of his manhood, and frantically falling into feminine hysterics—a mere creature of fits and epilepsies.

And so Othello, as did M'Naughten under similar influences, most *unnaturally* bend his ideas towards revenge—which culminated in murder.

But Shakespeare, as we have said, had no idea of insanity in drawing this character. He exhibits the tortured heart combatting with this *dæmon*, suspicion. He makes Othello speak *speeches* of the greatest sagacity, and utter the most methodical sentiments, philosophical and conclusive, in the sense of perfect apothems. He keeps the *mind* up to the highest point of reflective acuteness, but in the *acts of the man* he discloses a perverted intelligence.

It may be arraigning Shakespeare, before the critical world to suggest that he made Othello *talk* like a *God* and *act* like a *devil*: but it is not the less true that such is the fact. The only satisfactory solution of this seeming inconsistency is found in the *legal conclusion*, upon which the prevailing doctrine of irresponsibility is built: that a man may be able to comprehend the *right from the wrong*, and at the same time, by reason of some prevailing delusions, *not be able to resist the overpowering impulse to do the wrong*. To this we may be permitted to add the paganish reflection: that “whom the gods intend to destroy they first make mad.”

In proportion as this deplorable entertainment of suspicion disorders the mind and degrades the character, so its absence exalts humanity. When Alexander the Great had been plied with hints tending to arouse him to the suspicion that his physician, Philip, was preparing a deadly potion for him, he quietly waited the visit of his physician; and when Philip handed him the dose, Alexander, lifting it to his lips, said: “Philip, they accuse you of a design to poison your King! *thus I believe them*”—and so drank off the dose! Lo! the contrast between Othello and Alexander! This victory over himself was greater than the one at Arbela over the Persians.

It will be seen that in M'Naughten's as in Oxford's case, the

testimony of the experts turned the scale. Chief Justice Tindal and his associates were *struck all of a heap!*

This abrupt conclusion of the trial deprived the country of a fuller enjoyment of the forensic treat which they had a right to expect from the eminent ability of the two champions, Follett and Cockburn.

The Solicitor General could not conceal his chagrin when he was thus peremptorily checked by the Bench. When asked, by the court, if the Crown had any medical testimony to rebut that which had been offered by the defence, he replied—"No;" but it was well known to his vigilant adversary, that the government had employed two eminent physicians to examine the condition of the prisoner's mind, and that these two witnesses were at the time, sitting at the bar, ready to be called, *but not called*. This, of course, was conclusive that they could but agree with the conclusions already reached and announced by the experts who had testified for the defense.

The verdict in McNaughten's case led the Parliament to proound to the English judges a series of questions touching the various phases of the defense of insanity. This brought out a series of judicial answers which have assumed the shape of authority to a certain extent, and upon which our text writers have commented. But the conclusions are not yet well settled. Much is expected from the learned Court which is to be charged with the trial of Guiteau. If the learning displayed in that trial should be commensurate with the magnitude of the case, we may have happy results in the ascertainment of great principles for future guidance in such cases.

Opportunely, we have a late case from California touching two material questions of evidence, each of which are still debatable. This case is of such aptness in the pending inquiry, as to induce us to give it a place here in full.

The ruling here, touching the *opinion of persons not experts* in insanity cases, was followed without question in Lawrence's case.—See that case ante, No. 1 p. 24.

## SUPREME COURT OF CALIFORNIA.

THE PEOPLE v. WREDEN, 1881.

*Insanity witness not an expert may state opinion from conversation had.*—Upon the question of insanity a witness though not an expert, who details a conversation between himself and defendant, may also, in connection therewith, state his opinion, belief, or impression as to the state of the mind of defendant as it seemed or appeared to him at the time of the conversation. But a witness is not permitted to testify to an impression which might have been produced by what he had heard a person other than defendant say.

*Proof of insanity by preponderating testimony is sufficient*—Insanity, in order to constitute a defense in a criminal action, need not be proved beyond a reasonable doubt; it may be established by mere preponderating evidence.

*Reasonable doubt clearly established.*—The words "clearly established by satisfactory proof" are equivalent to the expression "established by satisfactory proof beyond a reasonable doubt."

*Statement of insane person.*—It is error to refuse an instruction: "If at the time of the making of the alleged statements the jury were satisfied that the defendant was insane, they should disregard them entirely, no matter what caused the insanity."—*Ohio Law Journal.*

### Appeal from Superior Court, Stanislaus Co.

SHARPSTEIN, J.,

The appellant was tried on a charge of murder and convicted of manslaughter. The transcript is quite voluminous, and the number of exceptions unusually large. We shall confine our attention to the exceptions which we think were well taken.

Insanity was very much relied upon as a defense, and the court seems to have labored under the impression that a witness who was not an expert should not be permitted to state his opinion upon the question of the insanity of the accused. One Williams, a witness for the defense, testified that he had known the accused intimately for the period of twelve years, and that he saw him in the forenoon of the day on which it is alleged that the homicide was committed. He described quite fully the appearance of the accused, and detailed a conversation which he had with him at that time. The witness was then asked this question: "From his appearance, his actions, his condition, and conversation, what was the state of his mind?" The court sustained an objection to this question on the ground that the

witness was not competent to answer it, no foundation having been laid. We think that the exception to this ruling must be sustained. As was said by this court in People vs. Sanford, 43 Cal. 29 : "We understand the rule on this point to be that a witness, even though not an expert, who details a conversation between himself and another may also, in connection therewith, state his opinion, belief, or impression as to the state of the mind of such person as it seemed or appeared to the witness at the time of the conversation." And that accords with our construction of sub-division 10 of section 1870 of the Code of Civil Procedure.

The following question was put by the District Attorney to a witness for the prosecution : Then taking your knowledge of his having been drinking, and what you had heard, and his appearance and conduct at the time, the impression made on your mind was simply that he was a drunken man." The counsel for the accused objected to the question on the grounds that it was hypothetical and improper. The objection was overruled, and the witness answered : "I concluded that he was drunk —crazy drunk." The objection should have been sustained. The witness should not have been permitted to testify to an impression which might have been produced by what he had heard any other person than the accused say.

Some of the instructions of the court to the jury were clearly contradictory. In one they were told that if they entertained a "reasonable doubt of the sanity of the person he must be acquitted," and in another that it was not sufficient that they "should merely entertain a reasonable doubt as to his sanity," and in a third that insanity "is not proved by raising a doubt whether it exists or not." It is quite clear that some or all of these instructions must be erroneous. One of these instructions reads as follows : "I charge you that where insanity is relied upon as a defense, the burden of proof is on the defendant, and the proof must be such in amount that if the single issue of sanity or insanity of the defendant should be submitted to the jury in a civil case, they would find that he was insane ; or in other words that insanity must be clearly established by satisfactory proof; it is not sufficient that you should entertain a reasonable doubt as to his sanity, but the proof must be satisfactory, and the fact of insanity clearly established." In the late case (People vs. Wilson, 49 Cal. 13) it was held to be well settled, in this State, that insanity, in order to constitute a defense in a criminal action, need not be proved beyond a reasonable doubt, but that it might be established "by mere preponderating evidence." Is not the expression "clearly established by satisfactory proof," the full equivalent of "established by satisfactory proof beyond a reasonable doubt?" How can a fact be said to be clearly established so long as there is a reasonable doubt whether it has been established at all?

There can be no "reasonable doubt" of a fact after it has been clearly established by satisfactory proof. "Clearly" according to Webster's definition of it, means "in a clear manner; without obscurity; without obstruction; without entanglement or confusion; without uncertainty," etc. And that is doubtless the sense in which it is popularly understood. The definition of "a reasonable doubt" given by C. J. Shaw, which has been generally approved by the courts, is as follows: "It is that state of the case which, after the entire comparison and consideration of all the evidence, leaves the minds of the jurors in that condition that they cannot say they feel an abiding conviction to a moral certainty of the truth of the charge; \* \* \* a certainty that convinces and directs the understanding, and satisfies the reason and judgment of those who are bound to act conscientiously upon it." (Com. v. Webster, 5 Cush. 320.) A juror would have no excuse for saying that he did not "feel an abiding conviction to a moral certainty" of the truth of a fact which had been "clearly established by satisfactory proof." Such proof, if any could, would convince and direct the understanding, and satisfy the reason and judgment of a conscientious juror.

Under the instruction given, it was the duty of the juror to require that the defense of insanity should at least be proved beyond a reasonable doubt. This was error.

Some of the witnesses for the prosecution were permitted, against the objection of the appellant to testify to what he said at or about the time of his arrest. His counsel seems to think that what the witnesses testified to his then having said, amounted to an admission or confession which should have been excluded on the ground that it was made under inducements. We have examined the testimony upon this point with some care, and are unable to find that there is any evidence of his having said anything which can be construed to be an admission or confession, as those words are defined in People vs. Parton, 49 Cal. 632. But we think that the court erred in refusing to give an instruction requested by the accused, that "if, at the time of the alleged statements," the jury were "satisfied that the defendant was insane," they "should disregard them entirely, no matter what caused the insanity."

It is quite obvious that the utterances of an insane man ought not to be treated as evidence against himself even. And while the witnesses did not testify to his having said anything that would amount to an admission of guilt, it might in connection with other evidence, have a tendency to prove him guilty.

Judgment and order reversed, the cause remanded for a new trial.



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